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FAMILY LIFE and CRIME



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Family Life and Crime
Contemporary Research and Essays

Prace Naukowe



Uniwersytetu Śląskiego
w Katowicach
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Family Life and Crime

Contemporary Research and Essays

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Mariusz Sztuka

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Introduction

Bringing up the issue of the endangered family or the family life crisis exposes the author to the allegation of preying on the significance of the crisis, and of taking up the role of Cassandra. After all, there is a general consensus about the fact that human beings have a constant need for family life. That need is demonstrated by them at any latitude and in any historical period and in various forms. There is no doubt that, if we define the family as all forms of sex life occurring within a jointly run household, the crisis of family is far from becoming a reality. We are rather witnessing the flourishing of what might be called alternative forms of family life (LAT relationships, cohabitation, marriage intentionally childless, and same-sex couples). However, if we consider the family merely as a marital or cohabitational unit with children, following the tradition of the twentieth century sociology, the family thus conceived is obviously facing extinction. The vast majority of sociologists of the last century defined the family in accordance with the Judeo-Christian family model. This model (woman – man – children) has been copied by numerous primitive societies to organise their sexual relationships, where especially polygamy (also present among the first patriarchs of Judaism) was a frequent departure from the Judeo-Christian cultural model of the family.

Over the millennia, the biological existence of communities and their culture depended on the ritual of pairing of individuals of the opposite sex, more or less faithful to each other, providing lesser or greater care for their offspring. Whether a group was regarded as a family was dependent on the existence of blood ties in this unit. Therefore, a child was indispensable for a couple to be called a family. Currently, the terminology in this respect has fallen into a state of disorder. The ambiguity of the term “family,” which is nowadays increasingly used to define almost any sexual relationship between two people, calls for drawing an arbitrary and also historically sanctioned distinction between a married or cohabiting couple with a child (family) and a childless couple. While a cohabiting relationship with a child should be considered as a formula for family life due to

its reproductive function, regarding a childless relationship as a family results in the fact that terms such as marriage or cohabitation have become synonymous with the term family. The acceptance of such a terminological extension of this latter term leads to family losing its essence and individuality (*differentia specifica*). Natural reproduction of members is an exclusive property of a female-male unit, an attribute of a social group that is called the family, which is unusual somewhere else. Extending the meaning of this term to other groups and social structures deprives it of the methodological validity and reliability, and makes the unique nature of the human community vague. Therefore, in the framework of the presented study, only a unit with children (biological or legally assigned) is regarded as the family.

All functions performed by the family, such as emotional, sexual, recreational, economic, etc., may be identified also in other forms of relationships; however, the reproductive function is an attribute exclusive to the family. The authors consider the crisis of the family as a trend towards its disappearance in favour of increasingly emerging non-family households, or various (homo- and heterosexual) forms of partnership, single-person households (of singles or the divorced), and relationships that aspire to be called the family and appear as its attractive alternative (cohabiting relationships without children, gay marriages, and intentionally childless marriages). It may be frequently noted in this book that all the transformations of family life described above, perceived by adults as liberating and multiplying life satisfaction, actually impair the quality of life of the children who experience them. The indicated regularity of the results of the zero-sum game (adults gain; children lose) is also noted by researchers who explicitly criticise the neoconservative postulate of returning to a bygone era of the domination of the patriarchal nuclear family. Among others, Manuel Castells writes that the main victims of this cultural transition are children, because in the current conditions of the family crisis, they are becoming more and more neglected. The dramatic increase in child abuse in many societies, especially in the United States, may well be evidence of the people's confusion as to their family life.¹ The child's perspective is overrepresented in the present study because the authors are educationalists who professionally deal with the analysis of the educational environment wherein young members of the society grow up. Among others, Section 3.2 (Part 1) comprises a review of the research on a bad psychosocial situation of children brought up in families of an impaired structure or a disturbed/absent marital bond.² Terminological issues concerning the

¹ M. CASTELLS: *The Power of Identity: The Information Age – Economy, Society and Culture*. Vol. 2, Second Edition. Oxford 2004, chapter 4.

² This work deals primarily with one-parent families; however, also “children from informal relationships reach for drugs or suffer from depression twice more frequently. Informal relationships, in comparison with marriages, are associated by the child with lesser commitment, they provide it with lesser sense of security (children in such relationships three times

family, marriage, and gender roles as well as a description of the consequences of transformations in these areas – the most serious among which seems to be the demographic crisis in the countries of the North Atlantic culture, resulting in the West becoming endangered by the booming Islamic civilisation – are comprised in the first part of the work.

Another issue discussed in the book is the empirical study of the problems of the criminal family (together with the presentation of the authors' own research on a sample of juvenile offenders – Chapters 5, 8 and 9). The family is endangered not only by the processes of the desacralisation of the marital bond and pluralisation of the styles of family life, which bring about the disappearance of the traditional model of a married heterosexual couple with children. Regardless of whether it is the family defined by the twentieth-century sociology or by postmodern sociology, it is subject to various social pathologies (including crime and addiction), whose explosion has been facilitated by the processes of urbanisation, social atomisation, the disappearance of social control, transformations in the labour market, the spread of drugs, and the alienation of family members from the real and into the virtual world (the popularity of new technologies). Among a number of symptoms of the contemporary transformations of the family on a global, European, or Polish scale, we can see, among others, an increase in the intensity of the pathological or deviant phenomena in the life of the modern family.³ Violence, alcoholism, and crime in the family, which are considered to be social ills, generally victimise children, who, as a result of these negative phenomena, are driven to crime and addiction. The analysis of the social determinants of turning to crime (family pathologies, delinquent peer groups, absent fathers, and liberal and rejecting parenting styles of upbringing) as well as a discussion of social determinants of criminal desistance as a result of significant, positive life events in the biographies of criminals (both juvenile and adults) are dealt with in Part 2 of the work. Part 3 comprises issues related to: the placement of the research on crime and its prevention in the system of sciences, a review of the latest Polish criminological literature, defining new phenomena in the field of criminal policy (restorative justice), and the description of selected elements of the criminal policy towards juvenile delinquents implemented in selected countries of the North Atlantic culture.

more often suffer from physical, emotional or sexual abuse), and also they reduce their chances of establishing a harmonious relationship in the future. As a result, couples being in informal relationships twice more often split up, and four times more often commit adultery." See P.G. ZIMBARDO, N.S. COULOMBE: *Gdzie ci mężczyźni?* Trans. M. GUZOWSKA. Warszawa 2015, p. 90.

³ S. KAWULA: "Pedagogika społeczna w początkach XXI wieku: perspektywa integracji i społeczeństwa ryzyka." In: *Pedagogika społeczna w Polsce po 1989 roku. Przemiany w nauce, obecność międzynarodowa, kręgi tematyczne prac badawczych*. Eds. B. KROMOLICKA, A. RADZIEWICZ-WINNICKI, M. NOSZCZYK-BERNASIEWICZ. Katowice 2007, p. 74.

Last but not least, the authors would like to express their deep sense of gratitude to the Directorate of Polish juvenile detention centres (in Pszczyna, Zawiercie, Racibórz, Warszawa–Falenica, and Koronowo), thanks to which they were able to carry out the study among juvenile offenders in the years 2010–2012. The authors are grateful for the devoted time and favourable attitude towards their research project, conducive to gathering empirical data supporting the theoretical work on the issue of the criminal family and predictors of crime. Thanks also go to Professor Ewa Syrek, Head of the Department of Social Pedagogy at the Faculty of Pedagogy and Psychology at the University of Silesia in Katowice, where the authors are employed, for financial help in translating this work into English, so that the analyses may be presented not only to the Polish reader.

PART ONE

Cultural background of the family crisis

CHAPTER 1

Crisis of the Judeo-Christian foundations of family life

1.1. Transformations of family life

We witness a process of a new culture emerging, called by one group a post-modern culture,¹ or modernity's reflexivity by others.² Pursuant to modern terminology, one can say that present forms of family turn out to be liquid (term proposed by Zygmunt Bauman) or, in Giddens's terms, one can say that family forms are subject to constant reviews and reforms (reflexivity of modernity). Different transgressions of family forms and demographic transition observed are those factors which shape the image of modern family in a significant manner.

¹ Z. BAUMAN: *Liquid Modernity*. Cambridge 2000.

² Giddens questions the definition of post-modernity to draw attention to a new quality of modernity in current social changes: "Rather than entering a period of post-modernity, we are moving into one in which consequences of modernity are becoming more radicalised and universalised than before. Beyond modernity, I shall claim, we can perceive the contours of a new and different order, which is "post-modern"; but this is quite distinct from what is at the moment called by many post-modernity" (A. GIDDENS: *The Consequences of Modernity*. Stanford 1996, p. 3). To continue this reflection on the present times and terminology used to define them, one may add that Giddens – while defining present modernity as a phase of modernity's reflexivity ("we have not moved beyond modernity but are living precisely through a phase of its radicalisation"), which covers also institutions and people ("social practices are constantly examined and reformed into light of incoming information about those very practices") – states that in this sense, modern social practices (institutions) continue and are in good condition (e.g., modern rationalisation, capitalism, and nation-states). Mental changes, crisis of ideological and religious "grand narrative," as well as a reform of institutions are just natural consequences of "reflexivity of modernity" and not a different image of the civilisation stage. However, in accordance with Giddens, a perspective of post-modernity appears on the horizon, being a chance for radically different social organisation for which new social movements call, inter alia. Still, such a new civilisation stage requires a new post-capitalistic economic order to emerge in the form of socialised organisation of economy and new, centralised, global power ("world government"), which would be able to react to new, global, ecological, political, and economic challenges (see A. GIDDENS: *The Consequences of Modernity*..., pp. 38, 51, 168).

To a certain degree, the changes in the family model at this juncture can be interpreted as posing a threat to the institution of the family itself and to the condition of modern societies.³ Even a change from the model of marital family to its various non-marital forms has its effect on childbirth rate, which is subject to a drastic drop observed also in marital forms of family. Looking at statistical data and the rapidly emerging new theories of the family (post-modern sociology), one can safely state that the family as such is in crisis, at least in its previous shape.

A crisis of the nuclear Judeo-Christian family is visible in social practice and theory, namely:

- in the appearance of new “families” in the practice of social life on an unexpected scale so far;
- in the questioning of the “normality” of the nuclear family by sociology (validation of non-nuclear families by postmodern sociology);
- in the increase in the number of divorces, infringing on the reliability of this social institution in the public feeling;
- in the decrease in the fertility rate (weakening reproductive motivation); and
- in the drop in the value of the family in favour of other cultural goals (such as consumption, entertainment, and professional career).

In this chapter we would like to elaborate on two of the areas of crisis outlined above which touched first the model of extended family and now are affecting the nuclear family. We concentrate on new concepts of the family (post-modern sociology and new tendencies which can be commonly noticed in the area of family life) and the dropping fertility rate.

The meaning of the family for the stability of societies and for all political structures cannot be overestimated. This concerns especially the area of reproductive function, which it fulfills. This is the only social group which appoints its members in a natural way and not through recruitment processes. One of the best known economists worldwide, Jacques Attali, in the interview for *Gazeta Wyborcza*⁴ devoted to worldwide financial crisis, notices a certain regularity. The United States as a country is in debt, as are the states contained therein, e.g., California or Texas. Great Britain is in debt, and so is England. Japanese deficit exceeded 200% of GNP. Greece, Italy, France are also up to ears in debt. Germans have debt similar to the French one but are in a worse situation due to demographic reasons and a negative natural growth, which has been registered there for many years. It is not without reasons that this French economist relates the economic situation of the state to demography. Today we know beyond doubt that there is a strict connection between fertility rate and the condition of

³ See M. BERNASIEWICZ: “Rodzina w konflikcie normatywnych paradygmatów oraz nowych faktów społecznych.” *Pedagogika społeczna* 2 (2015), pp. 87–100.

⁴ K. STASZAK: “Nie leci z nami pilot. Polsko wejdź do strefy euro. Bo pożalujesz.” *Gazeta Wyborcza*, 3–4.12.2011.

the family on the one hand, and the economic condition of the societies on the other. Pension system and functioning of the health-care system constitute the source of the largest budget expenses in states, due to which the demographic situation has become one of the most important predictors of success for economic development of societies. While ageing, citizens of Europe become more and more important encumbrance for domestic financial systems. The issues of childbirth and family policy turn out to be the same key element of success management for modern societies. Legal regulations and sociological concepts concerning the status and functioning of the family and marriage have not ceased to be important.

The family in the twentieth century was defined as a basic social cell and specified as a nuclear one. There were no deviations from this model grounded in the Judeo-Christian roots of North Atlantic culture in the practice of social life, whereas the sociological theory recognised this definition as most precise for the social system (the smaller community). At the same time, sociologists (i.a., Ernest Watson Burgess, Talcott Parsons, and Robert F. Bales) recognised the nuclear family as the most functional for the society (necessary for its lasting).⁵ There were three elements to make up the family:⁶

- the relationship of a man and a woman;
- the relationship with a socially established marriage; and
- the presence of children, own or adopted.

The term nuclear family was introduced by an anthropologist George Murdock to define a territorial unit (namely the one located at home) consisting of a wife, a husband, and their children. This is a social group characterised by a common residence, economic community, and division of work and reproduction. It covers two adults of different sex leading a socially approved sexual life and one or more children, own or adopted.⁷ These definitions, not raising any doubts until the 1990s, are nowadays subject to common criticism and modification due to a legislative revolution, as a result of which since 1989 the majority of states on the European continent have recognised domestic partnerships as equal to a traditionally understood marriage. However, as Wojciech Pięciak notices, the history of formalised homosexual relationships in Europe is barely three decades old and has its origins in contracting a marriage by Axel and Eigill, living jointly for over 40 years, in the registry office in Copenhagen in October 1989. In 2016, 27 years after this event, partner relationships (homosexual and heterosexual – so-called light marriage) exist in many European countries, such as Czech Republic, Slovenia, Croatia, Hungary, and Ireland, whereas in some states some initial rights, e.g., heritage after the deceased partner, are

⁵ See T. SZLENDĄK: *Socjologia rodziny*. Warszawa 2010, pp. 94–97

⁶ R. TURNER: *Family Interaction*. London 1970, p. 5; cited in T. SZLENDĄK: *Socjologia rodziny...*, p. 101.

⁷ Ibidem, p. 96.

accompanied also by the right to adopt children by “homosexual marriages”: in Holland (since 2001), Belgium (since 2003), Spain (since 2005), Sweden and Norway (since 2009), Portugal and Iceland (2010), Denmark (2012), France and Great Britain (since 2013).⁸

A post-modern sociology of the family pays attention to the processual rather than the structural nature of the family. Therefore, in accordance with this trend in sociology, the family is nothing permanent, objective, or independent from the subjective opinion of its members. The family is a strongly varied institution, different in cultural terms, whereas its members are recruited from freely selected categories of persons. Assuming “the humanistic coefficient,” proposed by Florian Znaniecki as the methodological principle of the first half of the twentieth century, postulating the examination of the reality as it is experienced by the persons concerned, post-modern sociology (at the turn of the twenty-first century) goes even further and calls for the recognition of the reality as it appears to individuals not only as the real one but also as the legal one. Therefore, as researchers, not only do we recognise the qualification of a guinea pig, a cat, or a dog as a family member by some social actors, but also, in accordance with post-modern sociology, we agree that a human-animal family is identical or equivalent to the traditional, nuclear family. According to Tomasz Szlendak, we have to reject in its entirety the concept of family developed in social sciences as theoretically inadequate and ideologically involved, and as a result of this rejection, examine only whatever is recognised by actors of social life as a family and a family life, even though it is someone’s beloved car, daughter’s boyfriend, or current spouse.⁹

New definitions of a family emphasise that a dyad is a sufficient condition of a family life. “So, if a group consists of at least a dyad parent-child and/or dyad partner-partner, we can speak about a family. A pair may also be of marital nature and cohabitation one.”¹⁰ The above definition of a family still raises much controversy, which results, first of all, from the reproduction function of a family (no other social group fulfils this function; therefore, it is the most important function of the family, on which the continuity of societies depends). A dyad in the form of a homosexual pair does not fulfill a reproductive function; thus, it cannot be classified as a family. This position, which perceives the space of family life not as an area of realisation of individual needs but, above all, as a community which realises basic needs of the society, is seen by post-modern sociology as an extension of the traditional, tight-proof definition of the family, and called functionalist family fundamentalism.¹¹

⁸ W. PIĘCIAK: “Małżeństwa homoseksualne w Europie.” *Tygodnik Powszechny*, 24.02.2013, p. 23.

⁹ See T. SZLENDAK: *Socjologia rodziny...*, pp. 105–107.

¹⁰ Ibidem, p. 111.

¹¹ See T. SZLENDAK: “Interpretacje kryzysu rodziny w socjologii. Między familijnym fundamentalizmem a rewolucją stylów życia.” *Studia Socjologiczne* 4 (2008), pp. 16–17.

An increase in the number of non-marital forms of a family may be perceived as a social problem as it shows a correlation with a dropping childbirth rate, which in Europe has already become a serious social issue. In a review of the childbirth rate in different family forms – an issue whose importance has been relatively underestimated – Marek Okólski notices that “in families based on a marital relationship the number of offspring is much higher than in families (relationships) taking a different form. In the case of alternative forms, the childbirth rate does not exceed two; as a rule, it is lower or much lower than 1.5.”¹² As for example, the author provides statistical analyses for a few European states. We will only quote examples of France and Holland here. The non-marital childbirth rate in Holland between 1950–1984 constituted one third at most in relation to the marital childbirth rate, whereas in France in 1994, married women who reached 40–44 years of age on average gave birth to 2.41 child (2.45 in 1986), and women remaining in a permanent cohabitation – 1.50 child (0.91).¹³

The increasing importance of non-marital forms of family is proved mostly by a rapid growth in non-marital births. As early as in 1970, in the majority of EU countries, the number of such births was very low, as a rule lower than 10% (exceptions: Austria, Estonia, and Sweden), whereas in 2008, almost in all countries (exceptions: Cyprus and Greece) it exceeded 20%, and in 10 states – even 40% (in 4–50%).¹⁴ Also the number of children brought up by a single parent is growing. This also proves the existence of the traditional family crisis. In the United States, one may notice a dramatic drop in the number of children brought up by both parents, recorded between 1970–1994, and this observation was independent of the race (“the percentage of children living with two parents fell dramatically across all racial groups over the past few decades”).¹⁵ The percentage of children from white families (“white children”) living with both parents dropped from 90% to fewer than 80%, the percentage of black children decreased from 60% to about 33%, whereas the percentage of children from Hispanic-origin families brought up by both parents dropped from 80% to 65%.¹⁶

Most commonly appearing family and non-marital relationships include:

1. Cohabitation, a situation in which a couple lives together as man and wife although not legally married;¹⁷

¹² M. OKÓLSKI: “Wyzwania demograficzne Europy i Polski.” *Studia Socjologiczne* 4 (2010), p. 49.

¹³ Ibidem, p. 49.

¹⁴ M. MARCU: “Population statistics in Europe 2008: First Results.” *Data in Focus* (Eurostat) 31 (2009); cited in M. OKÓLSKI: “Wyzwania demograficzne...,” p. 49.

¹⁵ J.D. TEACHMAN: “Diversity of family structure: economic and social influences.” In: *The Handbook of Family Diversity*. Eds. D.H. DEMO, K.R. ALLEN, M.A. FINE. New York 2000, pp. 232–251; cited in D. EITL: “Parental gender, single-parent families, and delinquency: Exploring the moderating influence of race/ethnicity.” *Social Science Research* 35 (2006), p. 728.

¹⁶ Ibidem, p. 728.

¹⁷ T. LAWSON, J. GARROD: *Complete A–Z Sociology Handbook*. London 2003, p. 39.

2. Single-parent families,¹⁸ sometimes called mono-parental families in the subject literature;¹⁹ and
3. Friendship relationships, in which a couple of any sex lives under a common roof and leads a common household, whereas no intimate, sexual relationships are present here.²⁰

We distinguish also other forms of partner relationships which rarely have a form of marriage, but as such they do not exclude marriage. They are also an evidence for a transformation of the traditional family/homogeneous marriage into heterogeneous forms:

1. LAT, living apart together, in the form of a visit marriage or a visit cohabitation;²¹
2. Homosexual relationships;
3. Reconstructed families; and
4. Voluntary childless (childfree) pairs.

A form of family life which is frequent in the days of the more and more popular divorce is, in particular, the reconstructed family (the so-called patchwork family). New relationships, established after the failure of the first or subsequent marriages, are characterised by even greater fragility²² than the previous ones. While divorced people have highly positive expectations about their new relationship, their children understand the new family structure in a completely different way. As noted by Paul R. Armato, the emergence of new relations, which is positively perceived by parents, is not so enthusiastically viewed by their children. It is simply highly stressful for children, as it is often connected with a change of their environment (neighbourhood, town, or city), the need to get accustomed to new people in their household, and the emergence of new rules and rituals.²³ Moreover, "early relationships between stepparents and stepchildren are often tense. Children, especially adolescents, become accustomed to a substantial degree of autonomy in single-parent households. They may resent the monitoring and supervision by stepparents and react with hostility when stepparents attempt to exert authority. Some children experience loyalty conflicts and fear that becoming emotionally close to a stepparent implies betraying the non-resident biological parent. Some become jealous because they must share parental

¹⁸ See D. EITLE: "Parental gender...", p. 727.

¹⁹ K. ŚLANY: *Alternatywne formy życia małżeńsko-rodzinnego w ponowoczesnym świecie*. Kraków 2006, p. 84.

²⁰ T. SZLENDAK: *Socjologia rodziny...*, p. 503.

²¹ Ibidem, p. 504.

²² As noted by Anthony Giddens, remarriages, at least in statistical terms, are less happy than first marriages – they demonstrate a higher divorce rate. See A. GIDDENS: *Sociology*. Cambridge 2001, chapter 7.

²³ P.R. AMATO: "The impact of family formation change on the cognitive, social, and emotional well-being of the next-generation." *The Future of Children* 15/2 (2005), p. 80.

time and attention with the stepparent. And for some children, remarriage ends any lingering hopes that the two biological parents will one day reconcile.”²⁴ The situation of numerous children living in such blended families is not something to envy. They are doomed to live with successive stepfathers or stepmothers. Their life takes place in numerous places, where numerous decisions are made beyond their feelings and choices; they travel between the new families of their fathers and mothers. For many of them, it is a traumatic experience of living in at least two places at the same time.²⁵ Giddens mentions one more term to define reconstructed families (extended families), that is binuclear families. This term emphasises the fact that two households, emerging as a result of a divorce, still constitute one family structure, but with highly complex interpersonal relations, underspecified rules of behaviour, multiplied outlooks of its members, and numerous other sore points resulting from new relations between stepmothers and stepfathers, and their stepsons and stepdaughters.²⁶

There are other, alternative forms of marital-family life, which, however, are difficult to classify in accordance with the criteria outlined above. Namely:

1. A substitute family,²⁷ which in the light of the Polish law may be composed of spouses or a person not remaining in a marital relationship (art. 41);²⁸
2. Single life of adult children living in a common household with their parents.

The latter model of family life is a real plague in Europe. According to Eurostat data for May 2014, young people in Croatia move out of their family homes at the age of 33, and in Spain and Greece at the age of 29. The best situation in this respect is observed in Sweden, where this rate is 19.9. In Poland, as a result of the inability to become financially independent, 40% of people aged 25–34 live with their parents.²⁹

In a traditional family model, an individual performs an ancillary role in relation to the family; he or she serves the family. The father provided for the family, the mother used to take care for the children and the husband and secured their emotional needs, while the children were to be a security for old parents (pension and retiree benefits are the invention of the nineteenth century!). The family used to create a collective entity, within which everyone could play a strictly defined role in accordance with a clear scenario, repeated in the next generation. In the post-modern family, each family member seems

²⁴ Ibidem, p. 81.

²⁵ See K. ŚLANY: “Ponowoczesne rodziny – konstruowanie więzi i pokrewieństwa.” In: *Zagadnienia małżeństwa i rodzin w perspektywie feministyczno-genderowej*. Ed. K. ŚLANY. Kraków 2013, p. 51.

²⁶ See A. GIDDENS: *Sociology*. Cambridge 2001, chapter 7.

²⁷ See K. ŚLANY: *Alternatywne formy...*, pp. 84–85.

²⁸ The Act of 9 June 2011 on supporting the family and foster care system (Dz.U. [Journal of Laws] of 2011, No 149, item 8914).

²⁹ H. BOCHNIARZ: “Młodzi ludzie bez perspektyw?” *Gazeta Wyborcza*, 22.08.2014, p. 9.

to be in the centre thereof, the family is no longer a collective whole. Everyone in the family seems to possess their own plan of everyday activity, independent of the plans and the will of the remaining family members. The traditional axiology of the community rests on the hierarchy of social positions, patriarchal structure, and the presence of religious rituals; it is within these frames that everyone validates the tasks he or she fulfils in the family. Today, however, the axiology based on serving other human beings is being replaced by the axiology of individualism, democratisation, partnership, and the presence of lay rituals (first of all, consumerism). In the post-modern family, the individual is "oriented and self-centered; emancipated and de-rooted from traditional community affiliations; individually and egocentrically creates his or her identity in a reflexive manner."³⁰

Both forms of family are frequently opposed today (a traditional one versus a post-modern one) in accordance with the rule *tertium non datur*; however, it should be emphasised that realisation of both models in the practice of family life is not excluded. After all, it is not difficult to imagine a traditional marriage (even a multi-children one) which realises the idea of equal rights in terms of home obligations and both parents working professionally. The realisation of a mixed family type is, however, so difficult that in the 1980s, Anglophone literature popularised the term *work-life conflict*, defining at the same time one of the most important problems of everyday life in such families.³¹

1.2. Drop in fertility (weakening reproductive motivation)

Nowadays, at the turn of the twenty-first century, there is "not a single country (except for Albany) in which TFR [Total Fertility Rate, where the value 2.1 guarantees the ability to replace generations – M.B.] would exceed 2.1; in 24 states (out of 36) it is below 1.5, and in 11, below 1.3. Except for Europe, such deep changes in fertility rate are extremely rare; they would occur mainly in East Asia or South-East Asia (Japan, South Korea, Singapore), Australia and Canada."³² Such a situation can be called a depression in fertility rate.³³ Additionally, in

³⁰ M. KAPIAS, A. LIPSKI, G. POŁOK: *Aksjologia w czasach kultury młodości – szkic do portretu*. Katowice 2012, p. 78.

³¹ See J.H. GREENHAUS, N.J. BEUTELL: "Sources of conflict between work and family roles." *The Academy of Management Review* 10/1 (1985), pp. 76–88; B. SCHNEIDER, L. WAITE: *Being Together, Working Apart: Dual-Earner Families and Work-Life Balance*. Cambridge 2005; F. MCGINNITY, E. CALVERT: "Work-life conflict and social inequality in Western Europe." *Social Indicators Research* 93/3 (2009), pp. 489–508.

³² M. OKÓLSKI, A. FIHEL: *Demografia. Współczesne zjawiska i teorie*. Warszawa 2012, p. 136; See M. BERNASIEWICZ: "Rodzina w konflikcie...", pp. 87–100.

³³ See M. OKÓLSKI: "Wyzwania demograficzne...", p. 46.

Europe this phenomenon is also accompanied by immigration surpassing emigration and an average life span being prolonged.³⁴ Collectively, these three phenomena were called a second demographic transition. Most generally, the factors favourable to demographic transition, namely a low reproduction rate (drop in births and longer average life span), may include:

1. Elimination of disasters affecting the death rate (e.g., hunger and epidemics);
2. Processes of industrialisation and urbanisation;
3. Regulation of births (contraception);
4. Fall in the significance of the institution of marriage and traditional family in favour of cohabitation and alternative family forms;
5. Delay in the average age of contracting a marriage and giving birth to the first child;
6. Anti-procreative lifestyle of modern families.

Especially the last factor is today encumbered with responsibility – in accordance with the theory of second demographic transition – for the dropping fertility rate. Marek Okólski and Agnieszka Fihel encapsulate this point in the following way:

demographic phenomena which are responsible for the drop in fertility rate . . . belong to two spheres: marriage and reproduction. The most important among them (concerning marriage) include: dissemination of pre-marriage (or even “pre-partnership”) intimate relationships, delay in the typical age of contracting a marriage, reduced proportion of persons remaining in formal marriage relationships (especially in the so-called life-long relationships), diversification and dissemination of alternative forms of partner relationships, increase in the popularity of the phenomenon of permanent celibacy (remaining outside partner relationships), increase in the number of divorces, commonness of incomplete families, and dissemination of the phenomenon of multiplicity and diversity of partner relationships in the course of a person’s life. The other sphere includes, among others: reduced average number of offspring in the family, disappearance of multiple-children families and increase in the child-free population, dissemination of “modern” contraceptive means (reliable, cheap, and easy in application; so-called second contraception revolution),

³⁴ The situation was completely different in ancient times, when the short life of people had to entail high fertility if the culture was to be long-lasting. According to Peter Brown, citizens of the Roman Empire “in the second century A.D., were born into the world with an average life expectancy of less than twenty-five years. Death fell savagely on the young. Those who survived childhood remained at risk. Only four out of every hundred men, and fewer women, lived beyond the age of fifty. . . . For the population of the Roman Empire to remain even stationary, it appears that each woman would have had to have produced an average of five children. Young girls were recruited early for their task. The median age of Roman girls at marriage may have been as low as fourteen.” See P. BROWN: *The Body and Society. Men, Women and Sexual Renunciation in Early Christianity*. New York 2008, p 6.

and delay in the typical age of procreation (which, combined with the early sexual initiation, extends significantly the period of sexual activity without parenthood).³⁵

The reasons for the drop in fertility rate listed by the authors (delay in reproductive age and the drop in childbirth rate) may be situated on the level of the most basic conditions responsible for weakening reproductive motivation. However, one may notice a phenomenon of feedback taking place between the subjective reasons (motivation and axiological aspect) and objective ones (the state of culture and economy). Authors who analyse the crisis of the family expose the role of the institutional and self-awareness reasons in the state of affairs. Therefore, it is said that the market of today enforces the work of both women and men in the family to provide the ability to maintain the living standard proper for the middle class. On the other hand, one may record the axiological changes in the mentality, involving a drop in the value of the family and parenthood in favour of professional work and self-development.³⁶ A paralysis concerning the decision about having children has both subjective and objective predictors (they constitute most often a certain mixture of different circumstances):

- having children in the modern times means limiting the parents' share in the consumption of goods, the consumption being one of the most important criteria for social position (it means a drop in the real income, deficit in time, and impossibility to reconcile parenthood with other social activities, such as trips abroad, different forms of recreation, social meetings);
- extending the family (and, in general, establishing a family by an individual) means the appearance of a conflict at the junction of professional and family life (work-family conflict);
- drop in the significance of Christianity in Europe, where the number of children used to be taken as evidence for God's blessing and the basic task for parents;
- general increase in the attractiveness of the childless life style, including the appearance of new female roles, in which the requirement of maternity is not present. This phenomenon is described by Krystyna Slany as follows: "the re-orientation takes place with young women pursuing more important educational and professional goals, which are accompanied by economic ben-

³⁵ M. OKÓLSKI, A. FIHEL: *Demografia...*, p. 137.

³⁶ T. Szlendak presents a wide review of reasons for the family's crisis, from external conditions to mental ones: "Women went to work and give birth to children much later than it used to be. It is clear from the data of Eurostat that Dutch women in 2006 became mothers (on average) aged 30.58, Spanish women 30.88, Poles 28.34, Italian women 30.87." At the same time, "between 1970–1983 there was a drop in the number of women who included possession of children among the three most gratifying and most pleasant things in their life, from 53 to 26 percent." T. SZLEDAK: "Interpretacje kryzysu...", p. 10.

efits from childlessness. Measurable benefits may be invested . . . in financing themselves, parents, or investing in fixed assets”;³⁷

- susceptibility of parents to the ideology of success (measured with finance and prestige) in which every child must participate and in which the parents invest – in accordance with the middle-class conviction that it constitutes the main criterion for success.

The last predictor of weakening motivation results in parents falling into indecision, which is detrimental for the mental life of an individual or their offspring. This state of post-modern culture is accurately described by Renata Doniec:

Parents feel encumbered with the requirements posed to them by the society as well as made tired with things they should do or must do as parents. Their task is, however, to provide the society with children “of high quality,” which in the times of growing competition and rivalry is difficult. Children require much financial outlays and personal self-abnegation, and even sometimes they are an obstacle to self-realisation and self-development of adults. . . . This all shapes ambivalent attitude towards the child. On the one hand, it is a desired value, the object of highest love, warm relations and huge efforts to create the best possible future for; and on the other hand, this situation is the source of unwillingness of the adults to have a child and to bring it up.³⁸

A child ceases to be a value in itself. An alarming phenomenon emerges, in which the issue whether to have another child is conditioned upon the ability to provide him or her with a high standard of living, which, in the situation of subjective interpretation of one’s own economic capabilities (the feeling of relative deprivation, which is common nowadays), prevents people from making reproductive decisions. The future is also alarming for objective reasons. After all, we live in the society of risk, temporary jobs, inscrutable future, the sense of adventitiousness, numerous dangers and proliferation of fears about people close to us (e.g., addictions, diseases of civilisation, terrorism, etc). The fact of having another child does not improve one’s social situation defined in this way, but makes it worse. Due to the very nature of social and mental conditions, our culture has become hostile to its new potential members. On the other hand, childless people risk even greater loneliness in their old age, and those who have one child risk losing all security and comfort in life in the event of a loss of the child (due to death or at least emigration).

³⁷ K. ŚLANY: *Alternatywne formy...*, pp. 111–112.

³⁸ R. DONIEC: “Rodzina w poszukiwaniu intymności. Na przykładzie przemian modelu rodziny.” *Pedagogika Społeczna* 1 (2011), p. 28.

1.3. The invasion of the civilisation of Islam

It is also worth noting that there is one more threat connected with the falling childbirth rate, especially in Europe.³⁹ Very rarely do sociologists point out that the consequence of the dropping childbirth rate may be the culture in its present shape dying out (the one founded on the Roman law and Judeo-Christian values).⁴⁰ We have an impression that the problem is more often noticed by religious leaders. Jorge Bergoglio (presently Pope Francis) addressed this issue in one of the interviews. With reference to the drop in childbirth and the increase in the number of people who are single in developed countries, he said:

At the end of 2007, France used to boast that there were two children per each woman. But Italy and Spain have less than one child per one woman. It means that some physical spaces and social realities will be replaced by others. There will emerge new cultures, maybe even another civilisation. Probably we will deal with a different process than invasion of Barbarians of about 400 A.D., but the effect will be the same: a territory abandoned by one group will be occupied by others. As a result of intensive migrations, Europe is already experiencing changes in its culture. To be more precise, it is not a new phenomenon. Let us not forget that huge Christian communities which for the ages used to exist in northern Africa are gone today.

In fact, the Islamisation of Europe, observed already today in France, Germany, Belgium, and Holland, will mean in the future Islamisation of the European Union and its institutions. A demographic analysis of religious minorities shows an inevitable regularity. Population of Muslims in France grew from 230 thousand in 1952 (0.55% of population) to 6 million in 2009 (10%); whereas in Holland from 5 thousand in 1951 (0.05%) to almost 1 million of citizens in 2005 (5.8%).⁴¹ A natural growth among the Islam society is so high and Muslim population so young (in 2004 one third of French Muslims were below 20 years of age in comparison with barely 20% recorded for this age category in French population in general; one third of 4 millions of German Muslims were below 18 years of age in comparison with barely 18% in the whole German population; one third of 1.6 million of British Muslims were below 15 years of age, while this age category in the total British population amounted to barely 20%) that, according to the estimates provided by the manager of the Office of European Analysis at the Department of State in Washington, in 2050 every fifth

³⁹ See M. BERNASIEWICZ: "Rodzina w konflikcie...", pp. 87–100.

⁴⁰ See F. AMBROGETTI, S. RUBIN: *Jezuita papież Franciszek. Wywiad rzeka z Jorge Bergoglio*. Trans. A. FIJAŁKOWSKA-ŻYDOK. Kraków 2013, p. 190.

⁴¹ H. KETTANI: "Muslim population in Europe: 1950 – 2020." *International Journal of Environmental Science and Development* 1/2 (2010), p. 159.

European will be a Muslim ("Muslims will comprise at least 20 percent of Europe's population by 2050").⁴² In connection with the statistics presented, in the foreseeable future one should expect that such values as: respect for the human being (especially freedom of speech and religious practices), openness to strangers and social solidarity, that is the axiological foundations of the Euro-American (North Atlantic) civilisation, may be replaced by discrimination of women, so characteristic of the Muslim states, violating the rights of freedom of religion, and dissemination of other fundamentalist attitudes.

Muslims in Europe do not integrate with the societies in which they live. They form enclaves, in which the laws in force are foreign to the European civilisation. As noted by Dariusz Rosiak, "for several years now, in some districts of East London, there have been 'sharia patrols' – groups of Muslims aggressive to women who are 'dressed inappropriately,' couples holding their hands, people drinking alcohol, etc."⁴³ Recently, this situation has elicited critical reaction, including the famous decision taken by Magdi Allama, "a Muslim intellectual, who in 2008 was baptised by Benedict XVI, and who has recently left the Church as he could not accept the attitude of Rome towards Islam, which, in his opinion, is too tolerant. When interviewed by *Tygodnik Powszechny* (no. 27/2008), he said that . . . Islam cannot be moderate, because the truths written in Koran and facts from Muhammad's life, that is, the major sources of Islam to which studies of the Islamic law and daily practice refer, make it impossible to harmonise Islam and human rights."⁴⁴ The dynamic increase in the population of Muhammad's followers in Europe with the simultaneous decrease in fertility of European locals is becoming a threat to the Enlightenment and Judeo-Christian culture of Europe.

It is also worth noting that there occur certain processes and phenomena which may be favourable to sustaining duration of a family and its childbirth rate. The weakening idea of a welfare state in Europe makes many people invest in the family as the best guarantee of their own social position and calm elderly age in the future. Investment in children may be the best transaction ever. Paradoxically, an increasing unemployment rate in Europe, but also the crisis in the work market in general (the 20:80 theory, namely the situation in which the 20% of the lucky ones who are employed maintain the 80% of the remaining rest of the unemployed in production age), may make many women discover again the value of the family (a situation is also possible in which men are those who stay at home to take care of their children). This tendency has already been visible in France for a certain period of time. In this country, in 1994 the level of parental benefits was raised (so-called APE, namely the benefit for one of the parents who resigns from work to take care of children aged up to 3; its

⁴² T.M. SAVAGE: "Europe and Islam: Crescent waxing, cultures clashing." *The Washington Quarterly* 27/3 (2004), p. 28.

⁴³ D. ROSIAK: "Suma wszystkich strachów." *Tygodnik Powszechny*, 09.11.2014, p. 13.

⁴⁴ A. BONIECKI: "Wobec frustracji i fanatyzmu." *Tygodnik Powszechny*, 09.11.2014, p. 3.

level is half of the minimum salary), which encouraged French mothers of little children to resign from work.⁴⁵

Moreover, certain phenomena can be noticed, such as new religious movements in the Catholic Church, in which one may see a rebirth of family life and high childbirth rate. In this place one may at least indicate neocatechumenal communities, common in Europe and worldwide, and present in a larger number of Catholic parishes, in which high childbirth is a norm among members of the movement. The rebirth of spiritual life observed in the United States (America does not have demographic problems of Europe) may spread in the future to the secularised Europe of today. However, it is difficult to expect better results after the reforms declared by consecutive European governments, which are eager to manifest their own involvement in pro-family politics. To a large extent, these are superficial reforms (e.g., a childbirth bonus, in Poland called a “baby’s sleeping bag bonus”), rarely of long-term nature (such as, for example, a successful legislation change extending the maternity leave in Poland up to 12 months).

1.4. Gender discourses

The present-day popularity of gender studies is the reflection of two currents of thought, which have been strongly present in the history of Europe. Apart from the whole cultural context of the emergence of the anti-essentialist gender discourse – sexual revolution in the 1950s and 1960s, professionalisation and emancipation of women – it is worth directing our attention to where the thinking of the supporters of the gender concept has its roots, which we are often not aware of. This concept can be surmised to have its sources in the Marxist thought and gnostic concepts. The history and circulation of human thought, its intermingling and evolution, are all fascinating issues, which is a frequent source of surprise for those who again and again discover new versions and emanations of old ideas in new forms.

There has evolved a way of thinking in the categories of the oppressive and the oppressed, as well as oppression and revolution necessary for restoring equality in economic relations, as a result of which old conflicts have been joined by new ones. Analogously to the classical Marxist standpoint, the social injustice was, and still is, surmised to have its beginnings in unequal access to means of production; and contemporary gender studies are, in fact, an opposition to new oppression, that is injustice in access to certain family privileges and asymmetry of social roles. The conflict of social classes has been replaced with gender conflict. The conflict is not about means of production but personal autonomy. The class conflict has made room for gender struggle. The natural differentiation

⁴⁵ See E. BADINTER: *Konflikt: kobieta i matka*. Trans. J. JEDLIŃSKI. Warszawa 2013, p. 124.

between men and women has become an urgent social issue, the resolution of which is demanded by various political and civic circles. The promoted term *gender* and proving the cultural nature of sex have begun to supersede the *sex* category. The negation of the traditionally perceived duality of human nature is being observed more and more often. Thus, a new anthropology has emerged. As a result of gender studies, in place of two sexes and the privileged role of family life as the basic dimension of human life, there have emerged at least five genders (masculine, feminine, gay, lesbian, and transgender) and a diversity of partnerships (consensual relationships) is affirmed. The Marxist paradigm, that is the conflict theory of the society, appeared originally as inequality in the field of economy (Karl Marx), followed by inequality in the field of educational system (Pierre Bourdieu), to turn in the contemporary version of the emancipation meta-narrative into the family inequality discourse (Elisabeth Badinter).

The version of the Marxist paradigm described above appears to be a new field, in which the probability of success is significantly higher than in the field of the class social structure, which has proved resistant to reform. After all, the economic inequality is still increasing, both in the northern and southern hemispheres of our globe. In 2014, the number of millionaires doubled in comparison with the number of millionaires recorded during the economic crisis in 2008. In the meantime, the gender conflict has been diminishing, as women have gained equality of rights in the majority of spheres of life, and the achievement of full rights by sexual minorities seems to be a matter of time. The triumph of equality of rights is proved by hard facts, as noted by Anthony Giddens and Philip W. Sutton, and it consists, among others, in the fact that the previously restrictive societies grant greater sexual freedom to men and women. There is also a general tendency to extend the children's rights and a growing acceptance of same-sex relationships.⁴⁶ This optimism is not shared by those for whom this means a simultaneous crisis of the traditional family, which has been sanctioned over centuries; moreover, this means even greater profusion of divorce and the growing number of emotionally neglected children, who are brought up in continuously reconstructed and fluid relationships. The intention of progressive conservative circles is not to deny anyone the option of living in a same-sex relationship or, even less so, to question anyone's freedom and dignity, but to oppose the (legal) equality of such relationships, as recognition of the right to freedom, affirmation of democracy and pluralism do not automatically imply, in the opinion of moderate conservatives, equality of privileges for all forms of sexual life. In western societies, which are experiencing a drop in the birth rate, homosexual relationships are less advantageous than heterosexual ones, as they do not lead to biological reproduction. Therefore, these societies have no interest

⁴⁶ A. GIDDENS, P.W. SUTTON: *Essential Concepts in Sociology*. Cambridge 2014, chapter 6.

in granting them the same status as in the case of heterosexual relationships. What is more, they have no interest in promoting them, as it is highly probable that an increase in commonness and popularity of such relationships may have a limiting influence on the number of heterosexual relationships. Equality of privileges and promotion of same-sex relationships may trigger a change in the proportion of the number of homosexual and heterosexual relationships. As a consequence, a further decline in fertility in the western civilisation may be expected. A rapid decline in fertility, resulting from the reluctance to have children demonstrated by the citizens of the West, that is, from individualism and hyper-consumption, conflicts related to the need to reconcile family and professional life, getting married at an increasingly later age etc., may be intensified by another factor, but this time not of a volitional but of a biological nature. This biological factor, intensifying the demographic crisis, will be the obvious inability of the growing number of homosexual couples to give birth to their offspring. As a result of feedback and the process of modelling taking place, the growing number of children brought up in same-sex relationships will produce a growing number of successive generations of people representing homosexual preferences, and, thereby, incapable of biological reproduction. Children brought up in same-sex families will experience greater difficulties in finding a pattern of love different from the one implemented in their homes. These concerns are best and most universally expressed by the Catholic Church discourse, in which the civilisation of wrongly affirmed freedom (unrestrained pleasure, including sexual one, and practical materialism) is contrasted with the civilisation of love and “responsible parenthood”:

responsible fatherhood and motherhood directly concern the moment in which a man and a woman, uniting themselves “in one flesh,” can become parents. . . . Utilitarianism is a civilization of production and of use, a civilization of “things” and not of “persons,” a civilization in which persons are used in the same way as things are used. In the context of a civilization of use, woman can become an object for man, children a hindrance to parents, the family an institution obstructing the freedom of its members. . . . The contemporary family, like families in every age, is searching for “fairest love.” A love which is not “fairest,” but reduced only to the satisfaction of concupiscence (cf. 1 Jn 2:16), or to a man’s and a woman’s mutual “use” of each other, makes persons slaves to their weaknesses. . . . The civilization of love evokes joy: joy, among other things, for the fact that a man has come into the world (cf. Jn 16:21), and consequently because spouses have become parents.⁴⁷

⁴⁷ *Gratissimam Sane. Letter to Families from Pope John Paul II on the occasion of the Year of the Family*; http://w2.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_02021994_families.html (20.11.2014)

The civilisation of utilitarianism not only leads to frequent reconstruction of sexual relationships and a decline in fertility, but also destroys the social environment. This argument was used by Pope Francis, who noted that:

This revolution of customs and morals has often waved “the flag of freedom,” but it has, in reality, brought spiritual and material devastation to countless human beings, especially the poorest and most vulnerable. It is ever more evident that the decline of the culture of marriage is associated with increased poverty and a host of other social ills that disproportionately affect women, children and the elderly. It is always they who suffer the most in this crisis. The crisis of the family has produced a human ecological crisis, for social environments, like natural environments, need protection. . . . It is therefore essential that we foster a new human ecology and make it move forward. . . . Children have a right to grow up in a family with a father and a mother capable of creating a suitable environment for the child’s growth and emotional development.⁴⁸

Today, the reproductive function of sexual relationships, as an element of the civilisation of opening to new life, is questioned also due to a certain atmosphere of nihilism, according to which the world given to us, embroiled with the tragedy of war, poverty, and natural disasters, is not a good place to live. From the viewpoint of nihilism, elimination of procreation from the sphere of sexuality is simply a favour done to unborn generations. In gnostic currents of thought, the material and the external world experienced by us empirically is something bad, limiting our freedom, which, in turn, results from our spiritual nature. Our body is also bad, as it is a prison for our soul. Consequently, sexual differentiation is diminishing in importance. Distinction of sexes is contrary to the spiritual nature of human beings. According to gnostic thinkers living in the second century, everything that is different than the spirit needs to be absorbed back by it; the masculine-feminine polarity itself should be abolished. The feminine should become the masculine and the other way around. Nothing could be more contradictory to the subtlety of the bonds connecting souls than physical procreation.⁴⁹

In the contemporary discourse of equality of homo- and heterosexual relationships, and obliteration of differences between the masculine and the feminine, as well as in the promotion of contraception, one can notice the modern affirmation of the spiritual sphere and romantic love, which ignores sex division and biopsychical consequences of a sexual act. It is a discourse and outlook for which

⁴⁸ Pope Francis’ opening address to the participants in the International Colloquium on the Complementarity between Man and Woman organised by the Congregation for the Doctrine of the Faith on 17 November 2014; https://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141117_congregazione-dottrina-fede.html

⁴⁹ BROWN P.: *The Body and Society. Men, Women and Sexual Renunciation in Early Christianity*. New York 2008, chapter 5.

the spiritual closeness and privileged value of freedom lift any bodily limitations and ethical dilemmas. In the contemporary discourse of gender studies one will find the above-mentioned analogies to the gnostic way of thinking. The body is of no importance, and the material substance is a burden which interferes with the unhampered expression of the human spirit. On the one hand, the gnostic disapproval of sexual activity has not gained appropriate recognition today, as the pansexualisation of the reality and affirmation of sexual freedom, which are common these days, clash with the gnostic depreciation of the sexual sphere of human life. On the other hand, however, any forms of infertile sex, preferred by the gnostic thinkers and strongly condemned in the Judeo-Christian culture as contrary to the Creator's will, are fully justified and accepted in the contemporary discourse of liberation. The practices of contraception, abortion, or homosexuality and voluntary childlessness of contemporary couples, which are common in the West, to a large extent converge with the perennial idea of denouncing and constraining the material. It is worth emphasising once more time that it is only the pleasure derived from sex, so hedonistically promoted and validated today, that makes gender studies different from the gnostic way of thinking.

The triumph of freedom in the culture of late modernity is undoubtedly an intrinsic value. However, we should not forget about some vigilance, as an increase in freedom is not only a victory of culture over nature, but also, paradoxically, a simultaneous threat to this culture. In the opinion of the first Polish sociologist, Florian Znaniecki, freedom was one of the most valuable achievements of civilisation. At the same time, he perceived freedom as the origin for the manifestation of the power of nature:

We have worked for centuries to liberate people from the bonds of former external discipline, which we inherited from the civilisation of the past, as we rightly understood that people need to be free to be really creative, and that the highest forms of life need to be freely selected and supported. . . . But free creativity requires self-discipline, which is not weaker but stronger than the one which may be imposed by the natural conditions or social and political, economic and religious institutions. By way of giving to the human spirit this freedom, which is needed for its development, we have also loosened the bonds of the human beast, but we were not able to create the means of controlling it quickly enough, which should have replaced the former violence.⁵⁰

The consequences of the liberation of nature from the influence of culture (religious, ethical, and moral norms) are particularly harmful for family life. In many cases, the free sexual expression, disregard for traditionally approved forms of family life and full democratisation of alternative forms of family life prove to be a triumph of whimsicality and lust (the nature) over the mind and responsibility

⁵⁰ F. ZNANIECKI: *Upadek cywilizacji zachodniej*. Warszawa 2013, pp. 78–79.

(the culture). The contemporary image of family in the times of its crisis proves that modern people, rejecting religion and tradition, have not developed any substitute mechanism of “self-discipline” to which Znaniecki referred, and which would protect them against themselves. Modern people have not developed “new measures of controlling” the nature or the “human beast,” as Znaniecki called the impulsive and emotional part of human personality, which was described by Emil Durkheim in the following way:

In itself, separately from any external authority regulating it, our concupiscence is a bottomless abyss that nothing can fill. . . . A desire that cannot be satisfied is a continuous torture. . . . Only the society, whether directly and in its entirety, or whether through one of its organs, is able to play this regulating role, as it is the only moral authority superior to an individual, and individuals recognise this superiority. Only the society is endowed with the necessary esteem to make law and specify the limits that should not be exceeded.⁵¹

From the anthropological viewpoint, the contemporary progressive discourses, making all (any) choices in the field of starting a family and sexual activity equal, seem to be excessively optimistic, as increased freedom turns out to be an even greater surrender of human beings to the power of nature.

⁵¹ Cited in J. SZACKI: *Durkheim*. Warszawa 1964, pp. 180–183.

CHAPTER 2

Labour market and a redefinition of social roles in marriage

Today, the natural sexual differentiation of the human nature is becoming less and less important for the economic sphere. However, sexual distinctions on the labour market are still noticeable, and they will be present as long as nursery school teachers and miners stay hermetic professional groups. One of the most outstanding anthropologists of the twentieth century, Margaret Mead, noted that

in every known society, mankind has elaborated the biological division of labour into forms often very remotely related to the original biological differences that provided the original clues. . . . But we always find the patterning. We know of no culture that has said, articulately, that there is no difference between men and women except in the way they contribute to the creation of the next generation; . . . We find no culture in which it has been thought that all identified traits – stupidity and brilliance, beauty and ugliness, friendliness and hostility, initiative and responsiveness, courage and patience and industry – are merely human traits.¹

However, perhaps we are witnessing the first stage of formation of the society which, in the name of egalitarianism, is trying to annihilate sexual differentiation. An aversion to differentiation, which is globally fostered by the popularity of gender studies, is so strong that the very speaking of sexual differences seems to count as today. Hence, some countries have decided that it would be better not to enter into their citizens' documents information on their mothers and fathers, but to refer to them only by numbers. On the level of legal restrictions and social ostracism towards any attempts at determining separate social roles for women and men, an unprecedented civilisation process is taking place, which consists in combating any sexual privileges in the two major spheres of our life, namely, on the labour market and in the sphere of family life.

¹ M. MEAD: *Male and Female. A Study of the Sexes in a Changing World*. New York 1958, pp. 16–17.

The policy of gender equality, although rightful in terms of levelling remuneration for the same jobs or promoting the awareness of interchangeability and equality as regards the selection of professional roles and those performed in a household, turns out to be a kind of dangerous distortion when it is used to negate any differences between masculine and feminine attributes. Even the popular observation of children playing shows that boys demonstrate an uncontrollable tendency to arrange battles and skirmishes (they produce a number of sounds manipulating miniature toy soldiers positioned on the floor of their rooms), and girls, irrespective of whether they use the same toy soldiers or other toys, arrange various communication situations, which reveal their greater tendency to engage in peaceful dialogue and more sophisticated games. As early as in the 1950s, Mead was right to notice that “in our current Western theorizing, it has been too often ignored that envy of the male role can come as much from an undervaluation of the role of wife and mother as from an overvaluation of public aspects of achievement that have been reserved for men.”² We still notice the social tendency to demonstrate unjustified envy of men’s roles and depreciation and masculinisation of women’s roles, which was described by Mead. In practice, the levelling of sexual differences and the policy of equality means combating feminine elements and promoting men’s roles. Looking at the number of legislative initiatives undertaken in Europe, for example, in the field of election parity and the neglect and passiveness regarding appreciation for the roles of wives and mothers (and this happens in the days of a drop in the birth rate!), one may come to a conclusion that the findings of Margaret Mead are still up-to-date. Simultaneously, we observe the lack of political courage to introduce solutions which would recognise and appreciate the domestic role of women, which women, in fact, go into irrespective of whether the supporters of equality like it or not. After all, the majority of women still affirm a lifestyle based on motherhood and housework. Such women would definitely enthusiastically accept courageous legislative proposals that nobody in Europe introduces. The proposals in question refer to the ideas related to remunerating women for work undertaken in the privacy of their homes for the benefit of their families, which are put forward from time to time. A clear articulation of such an idea can be found in the Apostolic Exhortation of John Paul II, who as early as in 1981 noted that:

There is no doubt that the equal dignity and responsibility of men and women fully justifies women’s access to public functions. On the other hand the true advancement of women requires that clear recognition be given to the value of their maternal and family role, by comparison with all other public roles and all other professions.³

² Ibidem, p. 77.

³ JOHN PAUL II: *Apostolic Exhortation Familiaris Consortio to the Episcopate, to the Clergy and to the Faithful of the Whole Catholic Church on the Role of the Christian Family in the*

The present-day freedom (confusion) regarding women's and men's social roles in the western culture is the result of liberation from biology. Today, the slogan which is the most politically correct is that "biology is not important." What matters is the personal and freely taken decision. More and more circles, and not only the leftist ones, are promoting the view that people "have the right to be who they want to be." This is, of course, connected with the process of individualisation of human biography, which has been taking place for at least 300 years now.⁴ The western countries have undergone a long-term process of social evolution. The primitive societies – those which have already gone into the past, but also those which have survived – are, above all, of a collective nature. In these societies, sexual identity is acquired from the earliest years of people's life. The shape of this identity is determined by individual's anatomy. In primitive societies, roles performed by women and men are a simple derivative of their biological sex. Having a penis makes you predestined for active roles, and not having a penis means that a girl will certainly become a mother. Based on her research on seven Pacific peoples, Mead notices that:

To the small naked children, running lightly in the sun beneath the palm-trees, the little girl's sex membership is as clear as her brother's . . . Her femininity is concealed deep within her, nothing she can touch and see, depend upon or flaunt. . . . The small boy struts, sometimes with emphasis on his penis, more often carrying hatchet, knife, stick, pole, in upward positions as he marches, parries, performs. His behaviour, however symbolic, is to the extent that it is male a concentrated phallic exaggeration, while his sister's is more diffuse and involves the whole body.⁵

In the western civilisation, we are influenced by culture rather than by nature, and, to be more precise, by specific social and economic tendencies observed both in America and in Europe. The progress in the field of technology and human rights, changes on the labour market, revolution of women's awareness and individualisation of the course of human life provoke changes in family and marital life, such as the decline of patriarchy, a decrease in the number of children in a family, the tendency to look after children rather than bring them up, and the increasing role of the recreational function of the family, combined with the declining reproductive function. The family changes when interacting with the outside world (external forces), but a lot of changes, as noted by Sheila McIsaac Cooper, are of an internal nature, "caused by the development of its

Modern World, 22 November 1981, paragraph 23, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html

⁴ See M. BERNASIEWICZ: "Indywidualizm." In: *Encyklopedia Pedagogiczna XXI wieku – suplement*. Ed. T. PILCH. Warszawa 2010, pp. 203–209.

⁵ M. MEAD: *Male and Female*..., p. 72.

individual members.”⁶ Manuel Castells states that at the turn of the century, the patriarchal family, the milestone of patriarchalism, is being questioned by interrelated processes of women’s work and women’s awareness transformation. The mass inclusion of women into the world of paid work has increased their bargaining power in relation to men as breadwinners. In addition, it has imposed an unbearable burden on women’s life in the form of four-shift work (paid work, housekeeping, bringing up children, night shift for husbands). Contraception, followed by in-vitro fertilisation and the prospect of using genetic manipulation, enable women and the society to control the time and the frequency of childbearing to a greater and greater extent.⁷

The growth of financial independence and the level of education among women have diminished the stability of the institution of marriage. For centuries, financially dependent women, with low aspirations in life resulting from their level of education, which was lower than men’s, lived at the mercy of their male carers. Nowadays, a woman’s decision to end a relationship does not mean as unpleasant economic consequences as it used to in the past. Barbara M. Kaja refers to research according to which one of the risk factors of divorce is precisely the growth of financial independence of women.⁸ The growth of financial independence and the level of education, which has opened up new non-domestic vistas for women, has put not only the institution of marriage to the test of survival.

The increase in the level of women’s education also diminishes women’s pro-family attitude. It can even be stated that the desire of motherhood is inversely proportional to the level of women’s education.⁹ It turns out that the satisfaction derived from work and education (including continuous education) fully compensates women for the lack of a family and, at least, justifies the unwillingness to start it. It is even reported that if the tendency of highly educated and high-earning women to resign from motherhood continues, we are going to live in a society in which being a mother is a privilege of women of low social status, as well as the most ideologically engaged conservative women.¹⁰ To be honest, it should be noted that a large number of women undertake professional activity not for personal satisfaction, but because they are forced to earn their living. Therefore, they do not treat their careers as liberation from the yoke of patriarchal oppression, but as a material necessity. Too many men

⁶ S.M. COOPER: “Historical analysis of the family.” In: *Handbook of Marriage and the Family*. Eds. M.B. SUSSMAN, S.K. STEINMETZ, G.W. PETERSON. New York 1999, p. 13.

⁷ M. CASTELLS: *The Power of Identity: The Information Age – Economy, Society and Culture*. Vol. 2. Second Edition. Oxford 2004, chapter 4.

⁸ B.M. KAJA: “Bliskie związki emocjonalne dorosłych dzieci rozwiedzionych rodziców. Przemijający syndrom rozwodowy?” In: *Małżeństwo. Rodzina. Rozwód*. Ed. B.M. KAJA. Bydgoszcz 2013, p. 128.

⁹ See E. BADINTER: *Konflikt: kobieta i matka*. Trans. J. JEDLIŃSKI. Warszawa 2013, p. 171.

¹⁰ Ibidem, p. 173.

in the western culture earn too little to support their families on their own. Stanisław Kawula states that women who are mothers have been relegated to the role of employees, due to which families have been robbed of a value which is very precious for the young generation, that is, time devoted to family and children.¹¹ In this situation, men have had to take over the housework traditionally reserved for women, thanks to which many of them have discovered in themselves the features of a sensitive caregiver for their children. Over time, being a father has simply become a way of life (a conscious choice related to organisation of one's own everyday life focused on care of children), and it has even become legitimated in the form of the so-called paternity leave. This phenomenon has been deemed by Margaret Mead as a total novelty in the history of civilisation, as fathers care of very small children is something that has not been promoted by any civilisation among educated men burdened with responsibility for their families.¹²

Moreover, it turns out that, apart from coerced women's work to maintain the standard of family life, a certain interesting economic trend has emerged, which is described by Castells. As noted by the Spanish sociologist, the explosion of the employment of women in the 1970s, 1980s, and 1990s did not result from an increase in work supply (in Europe, in fact, a decrease in the number of jobs was observed), but from such world-wide tendencies as the possibility to employ highly qualified women for lower remuneration than that offered to men, and from the growth in importance of flexible forms of employment in the world economy. The labour market is increasingly based on flexible forms of employment, and it is women who prefer to work part-time, as their preoccupation with housework, which is still high, frequently does not allow them to work full-time.¹³ Therefore, the market has unconsciously begun to promote work performed by women, especially in the service industry.

Apart from a lasting marriage, another victim of the cultural progress is demography, a problem more thoroughly discussed in Section 1.2. Nowadays, not only women, but also men treat children as potential destabilisers of their professional and financial situation. This was how childless couples justified their status in the research conducted by Emilia Garncarek.¹⁴ Children make it impossible for their parents to become fully engaged in their professional work. Children are time-consuming and cost-intensive. Apart from slowing down the career, or even thwarting it, children destabilise the life with the partner; they make it impossible to celebrate the hedonistically perceived life. As such, they are not awaited, and they are rather the object of fear: a) of the deterioration

¹¹ S. KAWULA: *Kształty rodziny współczesnej. Szkice familologiczne*. Toruń 2006, p. 64.

¹² M. MEAD: *Male and Female...*

¹³ M. CASTELLS: *The Power of Identity...*, chapter 4.

¹⁴ See E. GARNCAREK: "Niepodejmowanie roli rodzicielskiej jako przejaw procesów indywidualizacji i upodmiotowienia jednostek." In: *Zagadnienia małżeństwa...*, pp. 85–86.

of the current relations with the partner; b) of having to face alone the duties related to parenthood/care of potential offspring (mainly in the case of women); c) of losing physical attractiveness; and d) of potential health complications suffered by the parents and the child.

Today, children are becoming a “burden,” an obstacle and a restraint in the eyes of their own parents.¹⁵ For that reason, they are either not born (demographic crisis) or appear in this world as children wanted by their parents albeit generating a huge conflict in their life. A potential parent living in the North Atlantic culture faces numerous dilemmas. The two most serious of them are essentially a matter of professional activity and free time. In each of these areas, the presence of children makes it more difficult to achieve predetermined cultural goals. Working one’s way to the top, that is, full commitment to professional work, and full participation in the consumer society’s privileges (e.g., holidays abroad, going to restaurants, visiting the theatre and the cinema, going on trips etc.) is often in obvious contradiction to having children. The capitalist market counteracts pronatalist tendencies. It turns out that, according to electronic offers of travel agencies, the prices to be paid for taking a child on a trip are only slightly lower than the prices for adults in spite of the fact that the costs are minimised, for example by providing only rollaway beds for children in a room. Symptomatic for the phenomenon of inconvenient and undesirable parenthood is the standardised “two-plus-two” option of choice offered by Internet portals (the authors’ experience is that, in the choice boxes on websites of large travel agencies, where the number of people going on a trip is selected, there is no option for groups larger than those comprised of two parents and two children).

The contemporary labour market also counteracts parenthood. Research shows that the very presence of children in a family intensifies the conflict between work and family life (“the presence of children generally increases work-life conflict”),¹⁶ and that employees who have no children and, at least in theory, would have a chance to reduce the amount of time spent at work do not do that. They are convinced that if they are not engaged in their work strongly enough, they will suffer defeat and will not be taken into account when it comes to promotion. In statistical terms, such employees, as shown by the research conducted by Schneider and Waite,¹⁷ more often come back home emotionally exhausted and

¹⁵ See M. BERNASIEWICZ: “Konflikt na pograniczu życia rodzinnego i zawodowego (work-life conflict). Dzieci jako „balast” w trajektorii rozwoju zawodowego.” In: *Oblicza trudnego dzieciństwa. Konteksty rodzinno-edukacyjne*. Ed. M. CYWIŃSKA. Poznań 2014, pp. 113–122.

¹⁶ F. MCGINNITY, E. CALVERT: “Work-life conflict and social inequality in Western Europe.” *Social Indicators Research* 93/3 (2009), p. 492; C. COUSINS, N. TANG: “Working time and work and family conflict in The Netherlands, Sweden and the UK.” *Work, Employment & Society* 18/3 (2004), p. 531.

¹⁷ B. SCHNEIDER, L. WAITE: *Being Together, Working Apart: Dual-Earner Families and Work-Life Balance*. Cambridge 2005.

stressed, and frequently act out their indignation in family life. The increasing level of women's employment results in a reduction of the number of children in a family, as, even if parental duties do not preclude a professional life, mothers will anyway feel mental discomfort related to the sense of guilt about the fact that the time they devote to professional work could be devoted to their children instead. As a result, the willingness to have more children decreases.¹⁸

Today, the hardship of motherhood/fatherhood is not sweetened by the feeling of a well-completed life mission, vocation and the parents' role entrusted to them by God, as it used to be in the past. Motherhood is rather becoming oppressive in its nature. Elisabeth Badinter, the advocate of freedom and self-realisation of women – and, what is worth mentioning, also of freedom of self-realisation in the field of conscious motherhood – notices oppression in various motherhood discourses, for example, symptoms of tyranny in the totalising popularisation of breast-feeding. Passionate advocates of natural feeding are called by her “ayatollahs,”¹⁹ solidifying the exclusion of women from the labour market. According to the feminist discourse, motherhood should denote bottle-feeding, quickly entrusting childcare institutions with the custody of one's children and, first and foremost, equal division of housework between the parents.

Parenthood is an important sphere of self-realisation of the modern human being, but, apart from a sense of satisfaction (an exceptional but rarely experienced feeling of pride at being a mother or a father, or a kind of diversity in everyday life), it is beginning to have only pejorative meaning related to various threats. The potential losses in the case of motherhood are, in principle, bottomless. Some of the threats are connected with the loss of the current romantic relationship between adults. According to Badinter:

In fact, there is nothing that differs more from a couple in love than a couple of parents. Even if you do not sleep with an infant in one bed, it is not easy to combine both of these roles. If a mother is to breast-feed for months or even years, what will remain of intimacy and sexuality in a relationship? The more so as it is not always easy to distinguish between the feeder's breast and a sex object. A nursing mother experiences pleasure, but not necessarily needs to be the object of desire for a father looking at her. It is also known that numerous young mothers openly admit that the relationship between them and their babies is enough for them, and they do not feel like resuming sexual intercourse. Thus, a mother displaces a lover, which threatens the relationship.²⁰

¹⁸ Bianchi et al. describe this phenomenon as follows: “working parents, particularly mothers, feel a time squeeze because they feel they should be spending more time with children – even though mothers are spending as much time interacting with children as they were 40 years ago”; S. BIANCHI, J. ROBINSON, M. MILKIE, *Changing Rhythms of American Family Life*. New York 2006, cited in F. MCGINNITY, E. CALVERT, “Work-life conflict...,” p. 504.

¹⁹ See E. BADINTER: *Konflikt...*, p. 111.

²⁰ Ibidem, p. 119.

Contemporary mothers in the West can work not only thanks to technicalisation of child feeding (bottle-feeding instead of breast-feeding). Their liberation from household duties, as noted by Ulrich Beck and Elisabeth Beck-Gernsheim, is possible thanks to the process of care drain from the Second and Third World countries, that is, emigration of people, especially women, employed in the West in the field of everyday housework.²¹ Thanks to this workforce, western women can at ease go to work and delegate everyday duties to their housekeepers. It turns out that liberation of some people takes place thanks to putting others at work. Immigrants become a *sine qua non* condition of women's liberation in the West, "stabilising the fragile peace of intersexual relations," which would be immediately disturbed in the case of this cheap workforce deciding to come back to family homes:

if there were no migrants from Poland, Romania, Mexico or Honduras, if all of them did what they are expected to do under the legislation of their countries of arrival at the same time, if one day all of them returned to their homelands, it would not be enough that German or American husbands verbally approve the equality norm anymore. Instead, they would be confronted with everyday and practical consequences of this norm. Then concrete questions would appear, such as when and what you do. When will you clean the bathtub, when will you take care of the grandfather, when will you take our child to rehabilitation?²²

It is an important, albeit backstage, problem of reconciling family life and professional life in the First World countries. In the situation of the decrease in employment in Europe and America and the increasing dependence between the amount of time devoted to work and the income derived, the fact of having children is beginning to be perceived by the western culture as a kind of threat. The growing conflict between professional work and family life described in literature (increased work-life conflict) is empirically reflected in the decreasing number of children in a family. The contemporary labour market counteracts parenthood. According to Jeffrey H. Greenhaus and Nicholas J. Beutell,²³ this happens when: 1) the time devoted to the requirements of one role and the related tension and stress make it difficult to satisfy the expectations connected with the fulfillment of another social role; and 2) specific behaviours resulting from one role make it difficult to fulfil the tasks required by another role.

²¹ U. BECK, E. BECK-GERNSHEIM: *Miłość na odległość. Modele życia w epoce globalnej*. Trans. M. SUTOWSKI. Warszawa 2013, p. 173.

²² Ibidem, p. 158.

²³ J.H. GREENHAUS, N.J. BEUTELL: "Sources of conflict between work and family roles." *The Academy of Management Review* 10/1 (1985), p. 76.

This conflict is very severe in the family and professional life of the representatives of science (academics), who need to reconcile doing research, writing dissertations, and undergoing science-related internships with parental roles, which, due to the latter, not all of them decide to undertake. Here, I would like to refer to outstanding figures of the Polish science, namely, Florian Znaniecki and Maria Ossowska, to illustrate the antagonism between the role of an academic and a parent. In order to realise his scientific aspirations related to the doctoral dissertation and go to the Sorbonne in Paris (eventually, because of his Paris supervisor's death, he defended his doctoral thesis at the Jagiellonian University in Kraków), Znaniecki decided, together with his wife Emilia, that she would "go to Smolensk, to her parents, wait there until the child is born and spend there the time of infancy of their baby. In the meantime, Znaniecki, who thanks to this decision was free from the everyday family duties, could take the liberty to become occupied only with science, and, what follows, to spend the whole semester in the Sorbonne in Paris."²⁴ Similarly, when going to the United States – a visit thanks to which Znaniecki became known to the whole scientific world of sociology – the Znanieckis took a decision to leave their child in Poland in the custody of Znaniecki's parents-in-law. Another person aware of the conflict between intellectual and cultural aspirations on the one hand, and procreative decisions on the other was Maria Ossowska, who, when observing the motherhood of her sister-in-law, ascertained the following in the letters to her husband Stanisław: "When examined closely, all this looks terrifying." On another occasion, when leaving the house of her friend Sachsówna, she stated: "I left with an unpleasant feeling of all this absurdity of devoting one existence to the production of another. She will be a perfect mother . . . but something good in her has vanished, some aspirations have completely subsided."²⁵ Maria Ossowska remained childless.

Kahn et al. identified various types of conflict related to one's professional role: 1) the conflict between roles (interrole conflict); 2) the internal conflict within a social role (intrarole conflict); and 3) the conflict between personality and a role (person-role conflict).²⁶ Using this classification, Jeffrey H. Greenhaus and Nicholas J. Beutell apply the interrole conflict to the issue of mismatch between professional and family roles and distinguish the following types of this conflict.²⁷ Firstly, there is a conflict in the field of time division (time-based conflict), in which time required by one role makes it impossible to devote time to another role. An important factor influencing the intensity of the conflict is the readiness of the people employed to intensified, many hours' long work and high mobility,

²⁴ Z. DULCZEWSKI: *Florian Znaniecki. Życie i dzieło*. Poznań 1984.

²⁵ M. GROCHOWSKA: *Wytrąceni z milczenia*. Warszawa 2005, p. 65.

²⁶ *Organizational Stress*. Eds. R.L. KAHN, D.M. WOLFE, R. QUINN, J.D. SNOEK, R.A. ROSENTHAL. New York 1964, p. 19.

²⁷ J.H. GREENHAUS, N.J. BEUTELL: "Sources of conflict...", pp. 77– 82.

that is, personal attitude, which intensifies the work-family conflict. The conflict intensification is also connected with marital status and the form of the family in which the person experiencing this conflict functions. Spouses, large families and people having small children feel the discussed conflict more intensely than single people, small families and people having older children respectively (“several studies have found that parents of younger children experience more conflict than do parents of older children”). Secondly, there is a conflict generated by stress (strain-based conflict), in which case the tension and fatigue related to one role make it difficult to satisfy the requirements of another role. The studies conducted have investigated, above all, the issue of various job-related stressors and their negative influence on family life (low job satisfaction, bad relationships at work, routine and dead-end job, frequent changes of work environment, and travelling). The spouses’ mutual consent regarding the roles fulfilled in a family is of great importance for the balance between family life and professional life. Men demonstrating profeminist attitudes protect their partners from the family-work conflict resulting from the reconciliation of household duties and work performed outside the home, which is, in general, more intensely experienced by women (“a husband with profeminist attitudes – and presumably supportive behaviors – may buffer his wife from the conflict associated with extensive involvement outside the home”). The third type of conflict results from the lack of compatibility of behaviours in various roles (behaviour-based conflict), which indicates not infrequent discrepancies between the models of behaviours in one role and the requirements of another role. Emotional stability, calculation and even a kind of aggressiveness required by some jobs may be in contradiction to emotionalism and subtlety that may be expected from the same person by the family members.

In the classification presented, the sex variable is clearly emphasised, which – repeatedly and irrespective of the factor intensifying the work-family conflict (stress, time etc.) – influences the direction and intensity of this clash. This conflict is usually analysed as a disruption of family roles by professional roles (work-family conflict), and thus stereotypically considered to be men’s domain, or it is perceived as the lack of efficiency at work resulting from the disturbing influence of family life (family-work conflict), and thus stereotypically considered to be women’s domain. In general, men tend to be subject to stronger sanctions for a failure to conform to the requirements of professional roles than family ones. The situation is quite the opposite in the case of women (“women, on the other hand, traditionally may have been exposed to stronger sanctions for non-compliance with family demands”).²⁸ This way of thinking seemed to be natural in the period of men’s domination on the labour market, but today, far-reaching changes are observed here. The number of families in the United States in which

²⁸ Ibidem, p. 84.

the man is the only breadwinner decreased from 51.4% to 25.9%, and the rate of occupational development of mothers of children under 18 increased from 47% in 1975 to 73% in 2000, and, subsequently, stabilised on the level of 68% in 2005.²⁹

The liberation of women from the household and reproduction roles assigned to them and their admission to the public sphere are accompanied by an intensified conflict, which may be perceived, as noted by Agnieszka Gromkowska-Melosik, from an optimistic or pessimistic point of view. The essence of the optimistic way of thinking is

the belief that it is the woman, having social and personal freedom, who can decide on the dynamics of relations between the private and public sphere of her life. This is to be favoured by flexible forms of employment existing in the contemporary society, as well as by various institutional forms of childcare. It is easier and easier for women to find partners ready to share with them the hardship of looking after children. Thanks to this, women can realise their vocation to be mothers and go up the ladder of social and professional career.³⁰

From the pessimistic point of view, liberation of women looks markedly different:

women, forced to share the duties of wives, mothers, and employees, are burdened with double amounts of work, tension and stress. Being aware of the fact that it is impossible to reconcile these two highly absorbing spheres of activity, they sooner or later begin to feel frustrated either with failures in child rearing or with their inability to focus on their career. As a result, women do not achieve satisfaction in any sphere of their activity, and live with the continuous feeling of guilt and failure.³¹

One may get the impression that real life is taking place in the borderland between these two models, where the euphoria related to women's liberation from the roles imposed on them is accompanied by the huge hardship of reconciling career with child rearing.

When writing about the intermingling of two major spheres of human life, that is, professional work and family life, the positive osmosis of values should also be noticed. Work is undoubtedly a value for family life, starting with the

²⁹ HUI-YING TSAI: *Work-Family Conflict, Positive Spillover, and Emotions among Asian-American Working Mothers*. A dissertation at the University of Michigan. 2008, p. 1; http://deepblue.lib.umich.edu/bitstream/handle/2027.42/60855/athy_1.pdf&a=bi&pagenumber=1&w=100?sequence=1. (31.09.2013).

³⁰ A. GROMKOWSKA-MELOSİK: *Edukacja i (nie)równość społeczna kobiet. Studium dynamiki dostępu*. Kraków 2011, p. 186.

³¹ Ibidem, pp. 186–187.

most obvious attribute, namely, being the source of financial maintenance of a family, and ending with mental benefits achieved by an individual thanks to work, such as the sense of satisfaction, self-development and personal fulfilment. Family life is also reflected in positive functioning at work. Thanks to the family, an individual takes a break from the preoccupation with professional work issues and is able to recuperate and rediscover the sense of taking up further difficult challenges. In extreme cases, as shown by the studies conducted by Agnieszka Gromkowska-Melosik, family life may become objectified and validated by progress in the field of career development, which is, in fact, the most important thing. Some of the women managers surveyed by the author treat

their families “instrumentally,” at least to some extent. They are of the opinion that, firstly, participation in family life reduces work-related stress; secondly, it gives the feeling of life harmony; and, thirdly, it constitutes a kind of “propellant,” which gives energy to act on the professional ground. It should be also added that some of them are simply convinced that childbearing may have a positive influence on the course of their career, constituting a new and strong incentive to become even more committed to work. They are of the opinion that women who have children are better organised, and more responsible and focused on the achievement of their goals.³²

Despite their specific teleologies being mutually exclusive, both analysed spheres of human life seem to constitute a kind of catalyst of activity for each other. The efforts of making a living and its everyday monotony induce people to cherish their family life in a special way. On the other hand, it is difficult to imagine another stimulus for professional activity that would be as strong as the willingness to ensure financial prosperity for one's family. Finally, and somewhat ironically, both spheres of human life are organically interrelated: work equals earning money, and family life – wasting it.

Nowadays, work and family life ensure so many benefits to both sexes that neither men nor women want to give up family life for work or vice versa; they do not want to sacrifice their career to meet the requirements of being a full-time mother or superdad. However, finding the golden mean without any detriment to any of the spheres of human life, if possible at all, requires some serious time management acrobatics. Below, we cite a fragment of an interview conducted by Gromkowska-Melosik, in which one can notice that permanent tension of will and balancing between the reality of work and family life; however, the search for this balance is the conscious and irrevocable destiny of the modern woman and the modern man, who, after all, shares household duties with her:

³² Ibidem, p. 365.

I do not believe that you can be an equally good employee and mother. I do my best and aim at this, and I hope that neither party is particularly aggrieved. But it is not that you can be as good a mother when you work as you would be spending 24 hours a day with your children. And I think that satisfaction with my professional life, but not only, is necessary for me to be a happy person, that is, a good mother. But I am sure that a lot of people would say that my children spend too little time with me, physically too little . . . I have never taken the liberty to disturb any of these activities, as I knew that it would have a disastrous influence on my mental health.³³

All in all, the process of egalitarianisation of family roles has resulted in a quite difficult professional and mental situation for both women and men. However, the ability of both the social actors composing a couple to negotiate conditions of family life that would be optimal for both of them gives their relationship an unprecedented possibility of experiencing freedom in marriage.

³³ See *ibidem*, p. 372.

CHAPTER 3

Marital bond – evolution and the break-off from the viewpoint of family life

3.1. The history of the institution of marriage and family

In various historical periods, family life was an irreplaceable space for relaxation from competition, a place of reflection and a place where everyday strategies of ensuring well-being could be discussed with one's closest people. Today, the private sphere of many biographies no longer resembles the space of unaffected freedom and sincere establishment of closeness, in which long-term motherhood and fatherhood plans can be made. It turns out that contemporary familiologists need to emphasise those values of family life which prove the special status of a family community, as if their obviousness was irretrievably vanishing. In the days of individualism, family life no longer stands for itself. The present-day pragmatism makes people look for additional benefits in family life, which are replacing those hidden in the intrinsic value of interpersonal bonds.¹ Stanisław Kawula affirms family life in the following way:

in the morning, a contemporary businessman “puts himself” into his car with the same routine as he puts his shoes on, and, in the evening, he comes back home in his car, takes off his shoes and sits down in front of the television. And he leads this uniformed lifestyle for most of the year. So what is left apart from professional work? I strongly opt for personal family life – no matter how we plan it. It is a territory and value which is a kind of antidote against the bustle of the contemporary man (especially fathers), and, at the same time, a value bringing relief and providing support in difficult situations (sickness, unemployment, financial or mental void, apathy, homelessness). It also brings joy and a break in your leisure time and during holidays, and it provides op-

¹ See M. BERNASIEWICZ: “Rodzina w perspektywie kryzysu więzi międzyludzkiej.” In: *Wielowymiarowość wsparcia współczesnej rodziny polskiej*. Vol. 1. Eds. E. KANTOWICZ, M. CICZKOWSKA-GIEDZIUN, L. WILLAN-HORLA. Olsztyn 2015, pp. 217–228.

portunities to exchange thoughts and feelings, and appreciate individuality and distinctness.²

Being single by choice, consciously having no children, that is, being *childfree* as opposed to *childless*, and the ease of deconstruction of marriage by modern-day young people, who treat divorce as another consumer decision, are phenomena that make us realise that, nowadays, family is a value which is being increasingly rejected and pushed further down in the hierarchy of aims in life. Freedom and independence, physical attractiveness, rich social life, satisfaction with intimacy in a relationship, commitment to professional work, life in luxury and full of pastimes as well as the possibility to travel are values that the citizens of the modern world leading a childless lifestyle in different parts of the world fear losing.³ Young people choosing modern ways of life, such as squatters or yuppies, rarely decide to have children, as they are at conflict with the values typical of their lifestyle (career development and cultivation of free time in the case of yuppies), or they are of a secondary value. For squatters, starting a family is a secondary aim in life when taking into account the great social issues they want to solve or prevent (e.g., homelessness, poverty, or animal rights). It was with regard to yuppies that the social category of DINKS, that is, childless people with double income (Double Income, No Kids), began to be used, for whom cohabitation and conscious resignation from procreation are a life principle. Research conducted among squatters by Maciej Bernasiewicz proved that only three in eleven respondents who participated in-depth interviews had children, seven lived permanently with their partners, and only one respondent got married, that is, started a family in the traditional sense of this word.⁴

Moreover, the traditional family life is in crisis because contemporary people are becoming less and less willing to place their trust in others. The crisis of trust which is observed in the society also affects the marital bond. A constitutive element of the bond, a sociological analysis of which is presented further in this chapter, is the interdependence of elements connected. Nowadays, we practically no longer notice the interrelation between the masculine and feminine elements. Due to the policy of equality, each sex becomes an autarkic structure. The general feeling is that spouses playing stereotypical gender roles, agreeing to fulfil specific functions in a family, lose their valuable autonomy, which is the highest privilege granted to them by the (post)modern epoch. We are inclined to give the married couples living in the bygone eras a pitying look and patronise them, ignoring the fact that for many of them living in such a structure guaranteed

² S. KAWULA: *Kształty rodziny współczesnej. Szkice familologiczne*. Toruń 2006, p. 30.

³ See A. KWAK: *Współcześnie związki heteroseksualne: małżeństwa (dobrowolnie bezdzietne), kohabitacje*, LAT. Warszawa 2014, pp. 74–116.

⁴ See BERNASIEWICZ: *Yuppie oraz squatter. Globalne style życia w lokalnych środowiskach wychowawczych*. Katowice 2013.

the achievement of satisfaction with life, which today is beyond reach for the emancipated partnership-based relationships. Women's sarcophagi from Italia and Asia Minor, dating back to the second or third century AD, show women at full attention, standing or sitting opposite their husbands, who raise their right hands as if they were emphasising something, in their left hands holding unfolded scrolls as the signs of a higher literary culture, legitimising their claims to full domination, both in the society and in marriage.⁵ However, this sexist genre scene, expressing women's subordination to men, for which currently there is no justification, conceals one more truth. Despite the relations between men and women presented in this way, there are countless biographies of happy marriages behind the exposition described. Curiously enough, at that time marriage was a special area for manifestation of trust and sincere relations. According to Peter Brown, men hoped to find in their wives the only thing they could not expect from other men, namely, honesty. *Parrhesia*, that is, unwavering sincerity in relations with people of the same or higher rank, was an extremely rare and precious asset. It could be acquired from two figures enjoying esteem and being on the same side of political life – from a philosopher and one's wife. There is no overestimation of the huge importance of the need for this kind of intimate relations for men in ancient times.⁶ Unfortunately, there are not many historical sources which would provide information on what women gained from these asymmetric relations. However, for the same reason, it is groundless to conclude that the described relations were interpreted by women as discriminating, degrading, and making them unhappy.

Not in every historical epoch did marital and family life command the highest level of respect, and the relations between men and women were often perceived as the source of various threats. In the bosom of Christianity itself, which today seems to be the greatest promoter of lasting marriage and the advocate of family life,⁷ for many centuries abstinence and devotion to God predominated over family life. The superiority of the vocation of priesthood over the vocation of marriage has been noticeable in the Catholic Church to

⁵ P. BROWN: *The Body and Society. Men, Women and Sexual Renunciation in Early Christianity*. New York 2008, p. 14.

⁶ Ibidem, p. 15.

⁷ According to the *Catechism of the Catholic Church*, "God himself is the author of marriage. The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator. Marriage is not a purely human institution despite the many variations it may have undergone through the centuries in different cultures, social structures, and spiritual attitudes. These differences should not cause us to forget its common and permanent characteristics. Although the dignity of this institution is not transparent everywhere with the same clarity, some sense of the greatness of the matrimonial union exists in all cultures. The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life." See *Catechism of the Catholic Church*; http://www.vatican.va/archive/ENG0015/___P51.HTM, paragraph 1603.

this day. This is authorised by the Gospel. After all, abandonment of everything for God and evangelisation gained special recognition from Jesus, who, when asked by Peter: "Look, we have left everything and followed you. What are we to have, then?" answered: "And everyone who has left houses, brothers, sisters, father, mother, children or land for the sake of my name will receive a hundred times as much, and also inherit eternal life."⁸ According to the *Catechism of the Catholic Church*, "Christ is the center of all Christian life. The bond with him takes precedence over all other bonds, familial or social. From the very beginning of the Church there have been men and women who have renounced the great good of marriage to follow the Lamb wherever he goes."⁹ Characteristically, the saints raised to the altars are mainly clergymen, and spouses were canonised separately until as late as 2001. It was only in 2001 when John Paul II beatified Beltrame Quattrocchi spouses jointly. Until that time it did not happen that marriage was presented as a way to sainthood.¹⁰ Clement of Alexandria was probably the first Christian thinker to appreciate marital life and to notice the miniature of Church (home Church) in a family comprised of a man, woman and their children. Together with his writings, at the turn of the third century, human body and desire (as well as begetting of children, who were considered by Clement of Alexandria as a tool for increasing the number of Church members) were given the dimension of normality or regarded as a challenge, consisting in the control of what is impulsive, that is, passion and natural irritability. Many of the earlier writings (especially gnostic ones) demonised human body and marriage as phenomena which should be opposed by the new man, redeemed by Christ, with the use of abstinence.¹¹ An interesting fact is that rightful Christians were distinguished from heretics precisely on the basis of the above-mentioned affirmative attitude to body and marriage, as well as moderately affirmative attitude to material possessions. They did not view wealth and sexual life as the temptation of the devil, but as a gift from God, which should be managed wisely.¹²

Similarly, in the Middle Ages, the relations between men and women were not particularly cherished. As noted by Louis-Georges Tin, the cult of heterosexuality in the West appeared as late as in the twelfth century, when it replaced the homosocial culture. This conclusion was drawn based on the analysis of the medieval literature, in which for the first time the previously glorified men's friendship, valour and bravery were clearly transformed into a new pattern of interpersonal relations, namely, love between a man and a woman. A similar

⁸ The Gospel according to Saint Matthew 19: 27-29; http://www.catholic.org/bible/book.php?id=47&bible_chapter=19.

⁹ *Catechism...*, paragraph 1618.

¹⁰ See Z. NOSOWSKI: *Parami do nieba. Małżeńska droga świętości*. Warszawa 2010, p. 9.

¹¹ BROWN P.: *The Body and Society...*, chapters 3-7.

¹² *Ibidem*, chapter 7.

opinion, relativising the universal and privileged importance of marital bond, was formulated by Stone, for whom strong family bonds as part of a nuclear family are historically new; as late as in the nineteenth century, the only stronger bonds were the relations with the family of one's origin (mother, father, ancestors, family line, distant family, and sovereign).

Dominant loyalties to lineale, kin, patron, and community began to recede in the mid-sixteenth century, with the closed nuclear family's emergence among the upper bourgeoisie and squirearchy by the late seventeenth century. Late in the nineteenth century after some reversals, this affective model had spread both upward to the court aristocracy and downward to the masses of artisans and "respectable wage-earners," with all classes loving their spouses, cherishing their children and desiring privacy.¹³

Therefore, in different historical periods, the marital bond was perceived as less important than men's friendship, and at other times, as secondary to class and family relations, or less valued than relations with God, who demands the highest level of faithfulness from people. But never in history was the value of marriage depreciated, as it is done at present, for such trivial reasons as the risk of losing independence, one's own autonomy or simply for fear of a failure in the form of a relationship breakup.

The crisis of trust in marriage has a wide social context. Nowadays, the common decline of trust in the reliability of institutions, devices, goods and services is empirically confirmed throughout the world, with people nostalgically recalling, as stated by Piotr Sztompka, "the quality of cars produced twenty years ago, the durability of cameras dating back to the days of reflex cameras, the workmanship of old furniture, the flavour of strawberries eaten in childhood etc."¹⁴ Moreover, the long-term relationships of parents and grandparents, which turn out to be unachievable for many contemporary people, are increasingly gaining recognition. The crisis of trust in the durability of the institution of marriage, as well as the constancy of partnership-based relations is also noticed in the decrease in the number of children in a family. The demographic crisis is determined by various conditions, but it can be suspected to have its roots in the fluid nature of present-day interpersonal relations, which are so frequently broken off and reconstructed. Women are afraid of having children¹⁵ and devoting themselves to housework ("Can I devote myself to this man? Will he not find himself a new partner in a few years?" – is what modern-day women seem to think), and men install themselves in comfortable positions of cohabitation

¹³ L. STONE: *The Family, Sex and Marriage in England, 1500–1800*. New York 1977, cited in S.M. COOPER: "Historical analysis of the family...", p. 22.

¹⁴ P. SZTOMPKA: *Zaufanie. Fundament społeczeństwa*. Kraków 2007, p. 378.

¹⁵ See E. GARNCAREK: "Niepodejmowanie roli...", pp. 85–86.

with no responsibilities (“it is difficult to trust the institution of marriage, or to decide to start a long-term project called ‘having children,’ as this will exclude me from attractive offers and the option of the consumer society” – is the calculation made by the childish men of the twenty-first century).

The fact that relations between men and women are undergoing a serious crisis of bonds is most forcefully proved by the continuously increasing number of divorces. The consequences of this crisis have to be subsequently dealt with by numerous social services. The weakening of interpersonal bonds has a very adverse influence from the social point of view. The current system of elderly care in Poland seems to be efficient only thanks to the still lasting bonds between children and their senile parents, thanks to which many elderly people do not live in nursing homes, as it happens in the West, but are attentively taken care of by their own children at home. However, the situation is worse in the case of formal, non-kinship bonds. The more and more common breakup of marriage, that is, the divorce, is one of the strongest stressors on the list of probable events in human life responsible for numerous cases of mental diseases (lack of consent to parting by one of the spouses may generate mental disorders of this person) and socialisation problems of children (including behaviour disorders and symptoms of demoralisation). Divorce exposes the people who are no longer a couple to a risk of deterioration of their socioeconomic status (usually of the parent to whom the custody of children is granted). “Research on the causes of poverty in the United States demonstrates that over 80% of poverty is related to changes in the family structure, especially due to increases in families headed by single mothers.”¹⁶

More and more state institutions (such as schools, social assistance institutions, and rehabilitation institutions) have to counteract the consequences of the marital bond crisis. Why are the contemporary relations between men and women so fragile? These are undoubtedly new challenges for psychologists, school counsellors, and child psychiatrists.

Traditionally, the sociological theory perceived the social bond as the sense of identification with shared values and interests, and at other times, as the sense of intentional cooperation.¹⁷ The currently observed explosion of individualisation (the objective and institutional dimension of modernity) and individualism

¹⁶ H. HOYNES, M. PAGE, A. STEVENS: “Poverty in America: Trends and explanation.” *Journal of Economic Perspectives* 20 (2006), pp. 47–68; cited in T. NOTARE, H.R. MCCORD: *Marriage and the Family in the United States: Resources for Society. A review of research on the benefits generated from families rooted in marriage*. Secretariat of Laity, Marriage, Family Life and Youth, United States Conference of Catholic Bishops. Washington 2012, pp. 8–9; <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/upload/Marriage-and-Family-in-the-US.pdf>, (2.09.2014).

¹⁷ J. TUROWSKI: *Socjologia. Małe struktury społeczne*. Lublin 1999, pp. 87–94.

(subjective dimension),¹⁸ accompanied by the growing need of independence and competition for domination, are to some extent disrupting any social bonds. The establishment of an axiological community and shared interests of two people is, on the other hand, threatened from the outside with the processes of relativisation of all worldviews. By making it most difficult to develop any social bonds, effectively annihilated by individualisation processes, the social reality described has an impact on the condition of the modern-day family and marital relations (which are more and more often of a cohabitation nature). Today, the former bond of complementary tasks and the feminine and masculine specificity of contributions made to a family have been replaced by both parties to a marital relationship looking in different directions and pursuing individually set goals, which are, above all, to serve their individual self-realisation. Nowadays, nobody wants to depend on others, and people do not show sufficient trust to put themselves into the hands of another person. Therefore, modern women rarely give up their careers in the name of improving the non-economic quality of household functioning in hope that their partners will always satisfy their economic needs. Men are even less willing to sacrifice their careers for family life and to become economically dependent on their wives. In the meantime, the system of dependencies and interrelations is the indisputable source and fount of all bonds within a group.¹⁹ There is nothing that would unite more than interdependence, which the modern family is increasingly lacking. The crisis of bonds is, above all, the crisis of trust in other people. In the present-day interpersonal relations, the fear of losing personal autonomy is creeping. In this respect, our times seem to be peculiarly neurotic.

The described condition of modern-day relations between men and women, and family relations can be also described in the form of a historical process of proceeding from the institutional marriage (patriarchal and lifelong relationship, which is often arranged and which, thanks to the central position of children, realises the interests of the extended family and the society), to companionate marriage (having undertaken professional roles, wives have become partners of their husbands; such a relationship is less stable and to a smaller extent focused on children and the religious dimension of life), and then to individualistic marriage (an egalitarian relationship serving only the individual's self-realisation and happiness; such a relationship is highly unstable and fragile, and it undermines

¹⁸ Ulrich Beck notices in both theoretical models, that is, individualisation and individualism, three shared moments: “*liberation* from historically imposed social forms and bonds, understood as traditional structures of power and protection of the being (the dimension of liberation), the loss of *traditional beliefs* regarding the knowledge on actions, faith and prevailing norms (the dimension of disenchantment), and, paradoxically, the emergence of a *new type of social bond* (control or re-integration dimension); see U. BECK: *Spółeczeństwo ryzyka*. Trans. S. CIEŚLA. Warszawa 2002, p. 193.

¹⁹ J. TUROWSKI: *Socjologia...*, p. 91.

the value of children for satisfaction in a relationship).²⁰ To some extent in parallel to the said process of individualistic marriage emergence, we are witnessing the growing importance of cohabiting couples. Apart from the growing role of individualistic marriages, the number of informal relationships is gradually increasing. Cohabitation fully satisfies the individualised expectations of couples, at the same time establishing no redundant marital bonds. From the viewpoint of the described process of life path individualisation, marriage makes it difficult to promptly leave one's partner if one no longer derives satisfaction from the relationship, or, at best, prolongs the parting process.

It is worth noting that, as shown by research, for some of the citizens of the West, cohabitation is still not equal to marriage. There are at least several reasons for that.²¹ Non-marital partnership is more fragile than marriage, even if there is a child born. Especially women declare lower satisfaction with a cohabitation relationship, as they feel less secure. Cohabitation is also very often only an initial stage of marriage, which sooner or later leads to it. In this sense, it does not constitute a serious alternative for marriage. This is proved by relevant research, in which more than half of cohabitants of the representative group were going to get married, with 57% of men and 52% of women being sure or rather sure to marry their current partners.²² Secondly, cohabitation couples, unlike marriages, are not legally recognised in all the countries belonging to the North Atlantic culture. And thirdly, the majority of couples cohabiting for a long time are in a worse financial situation than married couples. To sum up, the evolution of the traditional marriage into the individualistic marriage and cohabitation is only one of the marriage evolution branches. In parallel to them, there are other forms of marriage which are still attractive to many people, and which, adjusting to the environment of late modernity (i.e., partnership and romantic love as the condition of starting a relationship), have retained the former features of the traditional marriage (such as asymmetric division of roles in a family, legitimisation of a relationship by the church, and the central role of children).

The individualistic marriage has either eliminated interdependence in a relationship or severely minimised it. In this type of marriage, the parties try to leave for themselves the greatest amount of independence possible; hence, the

²⁰ R.P. AMATO: "Institutional, companionate, and individualistic marriage: changeover time and implications for marital quality." In: *Marriage at the Crossroads. Law, Policy, and the Brave New World of Twenty-First-Century Families*. Eds. M. GARRISON, E.S. SCOTT. Cambridge 2012; S. COONTZ: *Marriage, a History. How Love Conquered Marriage*. New York 2005, cited in A. KWAK: *Współczesne związki...*, pp. 298–300.

²¹ See T. SOBOTKA, L. TOULEMON: "Changing family and partnership behavior: Common trends and persistent diversity across Europe." *Demographic Research* 19 (2008), cited in A. KWAK: *Współczesne związki...*, p. 199.

²² L. QU: "Expectations of marriage among cohabiting couples." *Family Matters* 60 (2003); cited in A. KWAK: *Współczesne związki...*, p. 238.

attractive formula of LAT (living apart together) marriage, in which couples do not run a common household. Apart from the missing feeling of interdependence, which is a constitutive element of social bonds, contemporary couples do not form axiological communities at the moment of getting married. In the increasingly pluralistic world, the unity of thought between the spouses is hard to find. The breakup of bonds results from the disintegration of structure which was not able to maintain its own unity. Believing in common values is another feature defining social bonds, whereas the modern-day family faces a problem not only of the co-existence of mutually exclusive values, but of rejection of values in general. A lot of relationships seem to be based only on consumer values of “settling down” together, accumulation of goods and supporting each other in the process of building up the household income. Apart from the lack of ideology, the modern family is often “mosaic” in character. It may more and more often experience the clash of different axiological worlds, different religions, opinions, and styles of life, which does not strengthen the marital bond at all, but rather makes mutual relations increasingly more complicated. The families in question comprise multinational or even intercivilisational families, relationships of people coming from different countries or continents, and long distance relationships, in which the notion of a “good family” may be understood in extremely different ways. Such families are called global families by Ulrich Beck and Elisabeth Beck-Gernsheim:

In global families the discrepancies between the First and Third World are put into shape, and they gain faces and names. In such families the differences in languages, differences in the past and differences in political and legal orders clash. . . . Religious conflicts, touching upon the very essence of everyday life, gather strength: they touch upon what family is and who belongs to a family, what family is like and what it should be like.²³

However, the unity of axiological thinking is an important condition of relationship durability. “Research shows that the more common the basic values shared by everyone, the stronger the mutual trust within a community.”²⁴ Other factors weakening the marital bond include unemployment, lack of time for family, emigration for financial purposes, weakening of religious life, decay of tradition, and having no children.²⁵ The crisis touches upon even the most elementary part of the marital bond, namely, love as such.

From time immemorial, the bonding substance in a family has been love. As noted by Clive Staples Lewis, in its emanation, this feeling takes four forms:

²³ U. BECK, E. BECK-GERNSHEIM: *Miłość na odległość...*, p. 13.

²⁴ P. SZTOMPKA: *Zaufanie...*, p. 386.

²⁵ See M. ŚNIEŻYŃSKI: “Quo Vadis polska rodzino.” In: *Dezintegracja rodziny*. Ed. J. SIEWIO-RA. Tarnów 2013, p. 22.

affection, friendship, erotic love, and *caritas* (Christian love).²⁶ A particularly privileged form of love in contemporary media culture is, of course, Eros (erotic love). It is a particularly fragile version of love, founded upon sensual fascination, which fades away quickly, a form which is all the more short-lived unless accompanied by friendship and selflessness (*caritas*). As such, the Eros-based relation will continue as long as the partners to this interaction derive sufficient satisfaction from it. This variety of love, which is the most passionate one, has also dominated the sociological discourse and has been given the title of a “pure relationship.” According to Anthony Giddens,

a pure relationship has nothing to do with sexual purity It refers to a situation where a social relation is entered into for its own sake, for what can be derived by each person from a sustained association with another; and which is continued only in so far as it is thought by both parties to deliver enough satisfaction for each individual to stay within it. Love used to be tied to sexuality, for most of the sexually “normal” population, through marriage; but now the two are connected more and more via the pure relationship.²⁷

This term has made a spectacular career in the sociological literature. Consequently, the phenomenon of erotic love has been equalled to genitality and deprived of such aspects as friendship, communion, altruism, or dedication. Especially the last two seem to be radically separated from erotic love today. However, as noted by Ronald Rolheiser:

The ancient Greek philosophers gave us the word eros. For them, however, it meant much more than it does for us today. Generally today we understand it to mean mainly sexual attraction. For the ancient Greeks, eros was a reality with six interpenetrating dimensions: It referred, at one and the same time to ludens (love’s playfulness, teasing and humour); erotic attraction (sexual attractiveness and the desire to have sex); mania (obsessiveness, falling in love, romance); pragma (sensible arrangement in view of family life, home, and community); philia (friendship); and agape (altruism, selflessness, sacrifice). Unlike us, the ancient Greeks did not ask one aspect of love to carry all the others.²⁸

Moreover, the Polish sociological reflection does not lack reduction of the feeling of love to the form of passionate delight and romantic experience, which, as such, is, above all, passing. Love defined in this way conceals even more threats than only instability. Tomasz Szlendak, the author of the latest handbook of family

²⁶ C.S. LEWIS: *The Four Loves*. New York 1960.

²⁷ A. GIDDENS: *The Transformation of Intimacy. Sexuality, Love and Eroticism in Modern Societies*. Stanford 1992, p. 58.

²⁸ R. ROLHEISER: *Seeking Spirituality. Guidelines for a Christian Spirituality for the Twenty-First Century*. London 1998, p. 186.

sociology, prophesises that love will survive only on postcards and Facebook, as it is something dangerous for contemporary young people.²⁹ According to Szlendak, the danger of love consists in people having to put themselves into their partners' hands in the event of falling in love, and, consequently, they lose their freedom. In a press interview, Szlendak posited that today, the state of being in love has become a disease which makes it impossible to function normally at work and to be an efficient consumer. Therefore, while perceived as something good in the past, love is currently regarded as something nasty, making normal functioning difficult.³⁰ Zbyszko Melosik also notices that if a relationship, whether based on friendship or love, is useless for the development of one's career, freedom of consumption, or satisfaction of other individually defined needs, individuals more and more easily get out of it and try to start a new one; relationships are even started with the aim of "doing business" or deriving specific pleasure, and not because of common identification, loyalty, or solidarity.³¹ These unbelievable, as they might seem, forecasts for the development of love in the modern-day world are gaining credibility when compared with the up-to-date statistical data on the number of divorces in Poland.

Divorce is the most radical form of negating (denying) the authenticity of love, the emotion about which St. Paul of Tarsus wrote that it "is always ready to make allowances, to trust, to hope and to endure whatever comes. Love never comes to an end."³² However, according to the *Demographic Yearbook of Poland* 2012, in 2011, 64,594 marriages ended in divorce. This means that out of 100 existing marriages, 7.1 were dissolved (in 1980, this rate was 4.6). In 2011, in every group of 10,000 people there were 16.8 cases of divorce (in 1980, there were 11.2 of them). The rapidity of changes taking place in the field of durability of the institution of marriage is most visible in the case of the number of divorces for every 1,000 of new marriages (in 2011, there were 312.8 cases of divorce, and in 1980 only 129.6). Therefore, it can be stated that, nowadays, almost 30% of new marriages break up (for every 1,000 new marriages, 401 break up in cities and 177 in the countryside). In 2011, the number of divorces instituted by wives (44,177 cases) was, on average, twice the number of divorces instituted by husbands (20,417). On average, husbands were adjudged guilty six times more often (12,228 in comparison with 2,143 cases of wives being adjudged guilty). The most frequent cause of marriage breakdown in 2011 was incompatibility of characters (17,347 cases). It was followed by a failure to remain faithful (5,906

²⁹ T. SZLENDAK: *Socjologia rodziny*. Warszawa 2010.

³⁰ A.J. DUDEK: "Ekonomia miłości, czyli jak dziś ludzie dobierają się w pary i tworzą partnerskie związki. Rozmowa z Prof. Tomaszem Szlendakiem," *Dziennik Zachodni*, 7.02.2014, pp. 13, 20.

³¹ Z. MELOSIK: *Kultura popularna i tożsamość młodzieży. W niewoli wiedzy i wolności*. Kraków 2013, p. 316.

³² 1 Corinthians 13: 7–8; http://www.catholic.org/bible/book.php?id=53&bible_chapter=13.

cases), alcohol abuse (3,878), long-term absence (1,540), culpable attitude to family members (1,077), financial disagreements (1,016), and others. The most frequent cause of the end of love is incompatibility of characters, which, according to a judge of the ecclesiastical court deciding on marriage annulment cases, is a category of the bottomless pit, in which everything can be fitted just to get divorced.³³

The lack of ability/willingness to overcome objective destroyers of the marital bond, such as incompatibility of characters, unfaithfulness, or alcoholism, results from a wider system of indirect causes, the most important of which are:

- reduction of lasting commitment to a relationship for the benefit of “pure relationship”³⁴;
- decay, as a result of secularisation, of external forms of bond maintenance and commitment (crisis of the sacred nature of marriage and the belief in its durable nature);
- increase in self-reliance of women, who are becoming more and more financially independent; and
- growing psychological and social immaturity of spouses (infantilisation of adults), for whom minor conflicts take on the proportions of insurmountable difficulties, the blame for which is put on the other party to a relationship. Each party to a relationship, just like a child, refuses to give in to the other person’s arguments, as, in fact, he or she is incapable of empathy. Contemporary times favour such narcissistic attitudes, as the late modern focus on individual’s identity and right to self-realisation, as well as the emphasis on the right to happiness are conducive to self-focus and instrumentalisation of other people.

Insofar as the first three causes specified above are the result of the increasing freedom, egalitarianisation, and secularisation, that is, spontaneous processes, which do not surrender to social engineering, the last cause of the fragile nature of modern-day marriages should become the subject of social interest and intervention. Taking into account divorce statistics, it can be stated that, today, many people get married too rashly. Robert Kantor, an ecclesiastical judge, is of the opinion that

disintegration of marriage takes place even before it is contracted. It is about paying greater attention to preparation to entering into sacramental marriage. A lot of engaged couples and priests preparing them for marriage know what families future spouses come from (e.g., pathological families) or are aware of the disturbed personality of a partner, which is visible before the wedding, and

³³ R. KANTOR: “Przyczyny dezintegracji małżeństwa na podstawie wybranych wyroków sądów kościelnych. Uwagi widziane oczami sędziego.” In: *Dezintegracja rodziny*. Ed. J. SIEWIORA. Tarnów 2013, p. 144.

³⁴ A. GIDDENS: *The Transformation of Intimacy...*, p. 58.

they often state in ecclesiastical courts with disarming frankness that they will manage it somehow when married. The lack of taking preparation for marriage seriously is becoming more and more bothering.³⁵

The recurrent question concerns the quality of school education in the field of introduction to family life. However, a more important thing is the direct preparation of couples for conscious contraction of marriage. It is a serious challenge for the Churches and state educational systems. The currently observed phenomenon of the increasingly rare formalisation of intimate relationships lets us presume that, in the future, people will not be at all better prepared for more conscious and responsible establishment of a family community, as they have, so to speak, got out of the area of influence of institutions which, so far, have been putting certain emphasis on the introduction to family life.

We have settled for good in a fluid reality, in which people have doubted in the existence of permanent and invariable points of reference. Because of the lack of external stabilisers of marital obligations, such as social ostracism for family breakup, the feeling of sin related to marital infidelity and to placing one's own well being above the children's etc., taking a decision to break off the marital bond is one of the naturally considered options of improving one's own social, mental, and professional situation. When discussing the couple sociology of Jean-Claude Kaufmann, Magdalena Żakowska noted an interesting view of this French sociologist. According to him, "the main problem of modern-day couples is the fact of constantly making decisions on being together or breaking up. That is why even symbolic and minor disagreements may become the tipping point which will determine everything."³⁶ This is a completely new situation, which has emerged together with secularisation of Europe. Such commercialisation of the marital bond ("Does this relationship still pay off for me?") was something unknown to couples functioning in the sphere of Christian influence. Considering the option of breaking off the marital bond is/was foreign to people for whom Christianity constitutes/constituted the core of identity. Someone who is constantly considering it (the post-modern curse of making constant choices) is very likely to become sure sooner or later that the moment has come to cancel the former obligations. The changing proportion of marriages and cohabiting couples, with the constantly increasing number of the latter, as well as the fragility of marital relations (the increasing number of individualistic marriages) make the number of single-parent families grow. This is because these relationships are more exposed to breakup than traditional marriages and companionate marriages. Cohabitation puts children born in such relationships at a significantly higher risk of being brought up without one of the parents.

³⁵ R. KANTOR: "Przyczyny dezintegracji...", p. 161.

³⁶ M. ŻADKOWSKA: "Para w praniu. O współczesnej rodzinie i codziennych czynnościach w socjologii Jeana-Clude'a Kaufmanna." *Studia Socjologiczne* 2 (2012), p. 150.

Cohabiting couples having children break up two times more often than married couples with children, e.g. in Norway, children whose parents form cohabiting couples experience the breakup of such couples two and a half times more, and in the USA, five times more often; according to the British research, one in every two cohabiting couples with children break up before the child is 5 years old.³⁷

These tendencies draw attention to the situation of children brought up in the countries representing the western culture – children who more and more often mature without the presence of one of the parents.

3.2. Single-parent family

When the withering marital bond is broken off, divorce comes along. Apart from its individual consequences for each of the parties, attention should be paid, above all, to the children. “The family, thanks to the permanence of the personal structure, provides a child with support and the feeling of security. The stability of the family environment is a very important factor of emotional balance and mental health of children. The family breakup because of death, divorce or separation of parents is a shock and results in a chronic trauma for the child.”³⁸ According to the research conducted by Judith Wallerstein and Joan Kelly, “five years after divorce, one-third of the children were adjusting well and had good relationships with both parents. Another group of children (more than one-third of the sample) were clinically depressed, were doing poorly in school, had difficulty maintaining friendships, experienced chronic problems such as sleep disturbances, and continued to hope that their parents would reconcile.”³⁹ A weak marital bond and, consequently, divorce is only one of the causes of solitude and adaptation problems experienced by children. Being brought up in an incomplete family is not always connected with divorce.

Jerzy Stochmiałek distinguishes a number of sources of incomplete families. They include divorce, separation, illegitimate child's birth, death of a spouse, temporary absence of one of the parents due to the nature of his or her work, imprisonment, hospitalisation, and extended stay abroad.⁴⁰ Family incomplete-

³⁷ D. POPENOE: “Cohabitation, marriage, and the child wellbeing: A cross-national perspective.” *Social Science and Public Policy* 46/5 (2009); cited in A. KWAK: *Współczesne związki...*, p. 315.

³⁸ R. KANTOR: “Przyczyny dezintegracji...,” p. 159.

³⁹ J.S. WALLERSTEIN, J.B. KELLY: *Surviving the Breakup: How Children and Parents Cope with Divorce*. New York 1980; cited in P.R. AMATO, “The impact of family formation...,” p. 76.

⁴⁰ J. STOCHMIAŁEK: “Geneza i następstwa funkcjonowania rodzin niepełnych.” *Auxilium Sociale – Wsparcie Społeczne* 2 (2003), p. 10.

ness is often perceived as the source of numerous problems with the proper functioning of a family. Generally, it becomes a predictor of the following phenomena:⁴¹

- low economic status of a family (socioeconomic status, abbreviated as SES);
- various disturbances in the single parent's life, such as: 1) mental problems resulting from the lack of support from the life partner and the related lack of satisfaction of essential needs, for instance, sexual ones; 2) health problems resulting from being burdened with more parental functions; and 3) problems in the field of social functioning, social isolation, and solitude (e.g., limited social life). If experienced by a single parent, each of these threats will have a negative influence on the functioning of the children;
- higher criminogenicity of child-raising conditions ("children raised in traditional, two-parent families experience a lower risk of delinquency than children from alternative family types");⁴²
- no role model for children (according to the sex of the missing parent); and
- in the case of incompleteness resulting from divorce, "children demonstrated psychomotor retardation and speech retardation, mental health disorders, functional disorders (e.g. stutter) and addictions."⁴³

There is also a body of research in the light of which divorce does not induce negative behaviours of children. Maria Jarosz conducted research on the influence of divorce on children's behaviour, and compared deviant behaviours demonstrated by children before and after divorce. In 87% of cases, children's behaviour did not change, in 7.3% of cases it improved, and it deteriorated in 5.6% of cases.⁴⁴ However, according to the vast majority of studies, an incomplete family appears to be a risk factor and a less valuable child-raising environment than a complete family. It may happen that in the first period of family incompleteness (irrespective of the reason), the children's behaviour does not deteriorate, but, over time, the incomplete family structure will have a negative influence on its members. The findings of numerous researchers have been summarised by Stanisław Kawula, who notes that, irrespective of the type of incomplete family, all its variants demonstrate certain common features: 1) worse financial situation in comparison with complete families, as there is only one breadwinner in the family 2) overburdening of mothers/fathers with the duties of one child carer in educational, guardianship, and economic terms; 3) disturbed

⁴¹ M.D. FREE: "Clarifying the relationship between the broken home and juvenile delinquency: A critique of the current literature." *Deviant Behavior* 12 (1991), pp. 109–167; Ch. A. KIERKUS, J.D. HEWITT: "The contextual nature of the family structure/delinquency relationship." *Journal of Criminal Justice* 37 (2009), p. 123; J. STOCHMIAŁEK: "Geneza i następstwa...", pp. 12–13.

⁴² Ch. A. KIERKUS, J.D. HEWITT: "The contextual nature of the family structure...", p. 123.

⁴³ J. STOCHMIAŁEK: "Geneza i następstwa...", pp. 12–13.

⁴⁴ Cited in D. WOŹNIAKOWSKA-FAJST: *Nieletnie. Niebezpieczne, niegrzeczne, niegroźne?* Warszawa 2010, p. 226

socialisation process with no personal model of one of the parents (most often the father); 4) limited contacts between the family and the external environment; and 5) narrowed and limited social mobility of the whole family (e.g. travelling together for leisure purposes).⁴⁵ As noted by Kazimierz Pospiszył, optimal conditions for development can be provided only in complete families, where both parental elements, that is, the masculine and the feminine, are personified. As noted by Pospiszył, from a psychoanalytical point of view, the father imposes requirements and always loves “for something” (an element necessary for child development), and the mother accepts despite everything (unconditional love, which is also necessary for proper development).⁴⁶

From a criminological point of view, incomplete families (*broken homes*) also constitute a *risk factor*. According to the research conducted by Lourdes Contreras, Virginia Molina and María del Carmen Cano on a sample of 456 young offenders (they analysed judicial files of young offenders), relapse into crime is strongly correlated with the family structure. The results show that broken homes differentiate the re-offender group (49.5% for broken homes) from the non re-offender group (32%).⁴⁷ Complete families constitute a protective factor against delinquent behaviour. The majority of studies prove that children and young people from post-divorce families “will face more psycho-social risks than children living in a two parent married household. These include:

1. lower levels of academic achievement (less likely to graduate from college),
2. increased risky behaviour (e.g., alcohol, smoking, illegal drugs, etc.),
3. teenage pregnancy for girls,
4. increased behavioural problems (e.g., truancy, violence, physical fighting, carrying a weapon, etc.),
5. increased risk for depression, emotional problems and suicide.”⁴⁸

Due to the emergence of individual research contradicting the negative consequences of divorce for child development, researchers have referred to wide-ranging comparative analyses, that is, meta-analysis dealing with the effects of divorce on children. For example, Bruce Keith and Paul R. Amato summarise “the results of ninety-three studies published in the 1960s, 1970s, and 1980s and

⁴⁵ S. KAWULA: *Kształty rodziny...*, p. 103.

⁴⁶ K. POSPISZYŁ: *Ojciec a wychowanie dziecka*. Warszawa 2007, pp. 26–32.

⁴⁷ L. CONTRERAS, V. MOLINA, M.C. CANO: “In search of psychosocial variables linked to the recidivism in young offenders.” *The European Journal of Psychology Applied to Legal Context* 3/1 (2011), p. 81.

⁴⁸ B.D. HAM: “The effects of divorce on the academic achievement of high school seniors.” *Journal of Divorce & Remarriage* 38 (2003), pp. 167–185; K. BREIVIK, D. OLWEUS: “Adolescent’s adjustment in four post-divorce family structures: Single mother, stepfather, joint physical custody and single father families.” *Journal of Divorce and Remarriage* 44 (2006), pp. 99–124; B. ELLIS et al.: “Does father absence place daughters at special risk for early sexual activity and teenage pregnancy?” *Child Development* 74 (2003), pp. 801–821; all cited in T. NOTARE, H.R. MCCORD: *Marriage and the Family...*

confirmed that children with divorced parents are worse off than those with continuously married parents on measures of academic success (school grades, scores on standardised achievement tests), conduct (behaviour problems, aggression), psychological well being (depression, distress symptoms), self-esteem (positive feelings about oneself, perceptions of self-efficacy), and peer relations (number of close friends, social support from peers), on average.⁴⁹ The studies explicitly show that the situation of children in incomplete families is worse. Simultaneously, the researchers acknowledge that divorce is not a strong predictor of children's adaptation problems ("modest rather than large"), as many children experience accumulated and even more serious difficulties that they could not be protected against even by complete families. Children are exposed to stressful circumstances, such as poverty, serious conflict between parents, violence, inept parenting, and mental illness or substance abuse, that increase the risk of child maladjustment.⁵⁰ In the face of various unfavourable environmental conditions experienced by children all over the world, it may turn out that the situation of children whose parents are divorced is not as bad as it seems. It may turn out that, apart from the adverse effects of divorce itself, children of divorced parents may experience various protective factors related to the high social and intellectual capital of their environment.

The studies enable us to unambiguously diagnose the condition of the interpersonal bond of marital/partner relationship. It is the condition of crisis generating serious consequences in the life of adults and their children. Are we able to influence the quality of this bond with the use of social policy instruments and education? Or are we perhaps doomed to only levelling the consequences of divorce, separation and parting, by starting an appropriate system of intervention centres? It seems that too little is said in universal education about the duties that women and men have in relation to their families, and too much emphasis is put on individual's rights. We contemplate ethical issues too rarely, or maybe just using a wrong formula of pompous and over-idealised moralisation. Universal education should pay attention to responsibility for other people, and to the injustice which our personal decisions may cause. Freedom is a great value, but responsibility is an equivalent asset. Children are often the victims of their parents' freedom. They are the innocent victims of their parents' inability to maintain harmonious and stable homes.⁵¹ Moreover, the findings of research showing marital and family life as a value in itself are too rarely popularised, as it turns out that the average life expectancy of unmarried people is lower; moreover, they are exposed to a higher risk of becoming addicted to various psychoactive substances ("non-married people experience shorter life expectancy").⁵²

⁴⁹ P.R. AMATO: "The impact of family formation...", p. 77.

⁵⁰ Ibidem, p. 77.

⁵¹ Ibidem, p. 90.

⁵² See T. NOTARE, H.R. MCCORD: *Marriage and the Family...*

Statistically, marriage is conducive to individual's health and life expectancy. On the other hand, apart from the cases of profound pathologies of marital life (such as sexual abuse or violence), benefits derived by children thanks to the continuation of their parents' marriage/relationship are empirically proved but, unfortunately, less and less obvious for people of the (post)modern age.

PART TWO

Family life as a risk/protective factor of criminal activity

CHAPTER 4

Family life and desistance from crime

Family life is an area often affected by pathologies (abuse, addiction, crime). Brunon Hołyst notes that:

Contemporary civilisation encourages social pathology of individuals, and individuals subject to deviancy ravage the families. Pathological families, in turn, impoverish their members. Individual and family pathologies generate and reinforce each other and sometimes they can infect all societies if the processes of pathologising are not inhibited.¹

It is the family, constructive or multi-problem, that becomes a protective factor, shield against dangers of modern civilisation, or a risk factor. The predictor of crime is a broad spectrum of factors that can be identified within the family. Family influence in the choice of the criminal way of life can be seen in the monocausal theories, such as the theory of James Gilligan² which says that experiencing shame and humiliation, especially in primary groups, is the source of subsequent use of violence by its former victims. The impact of the family becomes even more visible in polyaetiological models, which bring awareness to the entire range of family setting in the genesis of crime, such as: broken home, family size, parenting style – for example, authoritarian, permissive, democratic, overprotective, or ambivalent – intra-family relations, mistreatment records,

¹ B. HOŁYST: *Zagrożenia ładu społecznego*. Vol. 1. Warszawa 2013, p. 257.

² Gilligan uses his own experience: “When I used to work with the most violent and prone to violence inmates of the maximum security prison, there was not a day that I did not listen – many times confirmed by independent sources – to a story about how much they suffered during their childhood. Physical abuse, negligence, abandonment, rejection, sexual harassment, and rapes appeared in the memories of those people so often, and their descriptions reflected that those things were happening at such a scale and so intensely that it was impossible not to have noticed a connection between what happened in their childhood and what they were doing later to other people”: J. GILLIGAN: *Wstyd i przemoc. Refleksje nad śmiertelną epidemią*. Trans. A. JANKOWSKI. Poznań 2001, p. 59.

children protection records, criminal records, drugs consumption records, crime legitimacy in the family, socioeconomic situation and neighbourhood (e.g., deprived vs. non-deviant).³

On the other hand, a good family life, both primary family's (family of origin) and secondary family's (a family started in an adulthood), and the institution of marriage are considered to be a strongly conforming factor for an individual in criminological considerations. The quality of family life is often a decisive factor when it comes to an individual's destiny. Family ties, especially marriage ties, are the protective factors which protect against various social dangers, such as: alcoholism,⁴ promiscuity, suicide,⁵ or crime. Staying in a marriage is itself a form of social support (especially emotional and financial). Married women and men live longer than their single peers ("classic literature reviews show married men and women to be generally healthier and to live longer lives than their single peers"⁶).

There is a view, empirically quite well established, that marriage encourages desistance from crime. The researchers who have a critical attitude towards this idea conclude that it is possible to treat marriage as an outcome of rather than a causal agent in the process of criminal desistance.⁷ Nevertheless, not the fact of getting married itself cures from crime, as if by magic, but the fact that a new type of social bond emerges which is sanctioned either institutionally or, sometimes, sacramentally, introducing a new quality into human relationships. It is important to notice a protective factor not only in the institution of marriage,

³ L. CONTRERAS, V. MOLINA, M.C. CANO: "In search of psychosocial variables linked to the recidivism in young offenders." *The European Journal of Psychology Applied to Legal Context* 3/1 (2011), p. 79.

⁴ See A.V. HORWITZ, H.R. WHITE, S. HOWELL-WHITE: "Becoming married and mental health: A longitudinal study of a cohort of young adults." *Journal of Marriage and the Family* 58 (1996), pp. 895–907; cited in T. NOTARE, H.R. MCCORD: *Marriage and the Family in the United States: Resources for Society. A review of research on the benefits generated from families rooted in marriage*. Secretariat of Laity, Marriage, Family Life and Youth, United States Conference of Catholic Bishops. Washington 2012; <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/upload/Marriage-and-Family-in-the-US.pdf>, (2.09.2014).

⁵ See S.L. BROWN: "The effect of union type on psychological well-being: Depression among cohabitators versus marrieds." *Journal of Health and Social Behavior* 41 (2000), pp. 241–255; cited in T. NOTARE, H.R. MCCORD, *Marriage and the Family*..., p. 4.

⁶ T. NOTARE, H.R. MCCORD: *Marriage and the Family*..., p. 11. The authors of the research overview notice that in marriages there is a "lower risk for death from heart attacks and longer life expectancy among married men and women with heart disease." Cf. Z. ZHANG, M.D. HAYWARD: "Gender, the marital life course, and cardiovascular health in late midlife." *Journal of Marriage and Family* 68 (2006), pp. 639–657.

⁷ T.H. LYGSTAD, T. SKARÐHAMAR: "Understanding the marriage effect: Changes in criminal offending around the time of marriage." *Fondation Maison des sciences de l'homme* 49 (2013), pp. 1–20.

but also in a mature social bond which makes marriage possible.⁸ Because investment in social relationships is gradual and cumulative, resulting desistance will be gradual and cumulative.⁹ A successful marriage should over time increase a social stability and reduce an antisocial behaviour, such as consumption of alcohol or drugs.¹⁰ A marriage bond is a protective factor because together with this bond, a new, important relationship appears, for which an individual has to give up his or her old way of life. Along with marriage, a new kind of a social control emerges. When a marriage relation appears, it also means a limitation of spare time and a reduction of contacts with peers, which are protective factors themselves. Getting married by a person who has a criminal record with a person who has no criminal record means an upward mobility for the former. Very often it leads to making new acquaintances (entering a new acquaintance network of the spouse), assuming that neither the spouse, nor his or her acquaintances are social deviants, which means an improvement in the social functioning of this individual.

What is more, staying in the marriage during a detention is a good prognosis for the future. Matrimony is a factor protecting against recidivism. Catamnestic examinations of 3,044 convicts show that the largest scale of recidivism is noticed among convicted bachelors (63.4%), while the recidivism level among the married amounts to 52.4%.¹¹

The importance of new interpersonal relationships for the emergence of a new individual is visible in the example of therapies for addicted people, for whom a therapeutic community constitutes a new social relationship and is a healing factor, a way to build a new, different identity, for whom alcohol or drugs are no longer an important self attribute. According to George Eman Vaillant's research, a recovery factor ("desistance from alcohol abuse") turned out to be new relations in a community of people who were involved in the Alcoholics Anonymous group. Another factor was supervision by people having formal authority, but also monitoring by informal authorities – employers and spouses ("new relationships, enhanced hope resulting from increased involvement in religion or Alcoholics Anonymous, supervision and monitoring by formal authorities or informal

⁸ T.H. Lyngstad and T. Skarðhamar notice that a lower level of continuing crime by offenders who got married than by those who are singles results not from the fact of getting married itself, but from different circumstances "before marriage," like, for example, from a regularity that people, especially women, prefer future husbands who have a lower tendency to break the law. Therefore, in a marriage, there are people who bode well for the future. See T.H. LYNSTAD, T. SKARÐHAMAR: "Understanding the marriage effect..."

⁹ J.H. LAUB, R.J. SAMPSON: "Understanding desistance from crime." *Crime and Justice* 28 (2001), p. 20.

¹⁰ B.J. KNIGHT, S.G. OSBORN, D.J. WEST: "Early marriage and criminal tendency in males." *British Journal of Criminology* 17 (1977), pp. 348–360.

¹¹ T. SZYMANOWSKI: *Recydywa w Polsce. Zagadnienia prawa karnego, kryminologii i polityki karnej*. Warszawa 2010, p. 246.

others”).¹² Getting married, changing a reference group – these are all life events which change a course of human life.¹³ The mechanism of a change which is triggered by those events is well described by theories, such as: theory of rational choice, social control, symbolic interactionism, and social learning theory. People in new social interactions learn new behaviours, adapt, gain new sources of social and emotional appreciation, begin to give each other distinct life indications, yield to new social conventions and pressures related to social control, and also gain new sources which they are afraid of losing as a result of trespassing social norms.

In addition to marriage, there are other factors owing to which desistance from a criminal activity appears, such as: becoming older, growing out of crime (increasing awareness of passing time, fear of punishment), which means ontogenetic ageing (“the rates of recidivism decline with increasing age”), finding a job, getting an adequate salary, having children or adult friends, joining the army, pursuing further education (achievements in education), doing sports, having a hobby, or religious conversion.¹⁴ They are salient life events, or turning points, which reduce the probability of occurrence of a new crime in the life of that person. According to Laub and Sampson, both committing a crime and its abandonment are related with a certain period of life and its life-course perspective. In Anglo-Saxon studies, it was reported that in the case of young women, desistance from crime turns out to be more rapid and related with a clear biographical moment (graduating, leaving home, bearing a child, or getting into a relationship), whereas in the case of young men, it is more a process than an event, mostly related with disengagement from their deviant peers.¹⁵ In both cases, desistance from crime appears as an individual decision interrelated with various situational contexts of a structural nature (influence of a family, working life, or social institutions, such as Church or army). Thinking in terms of a turning point is one of the most fertile perspectives in the theory of changing (ways “of thinking about change processes”).¹⁶

American studies on persistence of and desistance from crime have long traditions and interesting results.¹⁷ There are still interesting threads, such as

¹² G.E. VAILLANT: *The Natural History of Alcoholism Revisited*. Cambridge 1995; cited in J.H. LAUB, R.J. SAMPSON: “Understanding desistance...,” p. 36.

¹³ See M. BERNASIEWICZ, M. NOSZCZYK-BERNASIEWICZ: “Punkty zwrotne (*turning points*) w przestępczej karierze. Szansa dla resocjalizacji/rewitalizacji nieletnich przestępców.” *Chowania* 1/44 (2015), pp. 103–116.

¹⁴ G. TRASLER: “Delinquency, recidivism, and desistance.” *British Journal of Criminology* 19 (1979), pp. 314–322; T.G. BLOMBERG W.D. BALES, K. MANN, A.R. PIQUERO, R.A. BERK: “Incarceration, education and transition from delinquency.” *Journal of Criminal Justice* 39 (2011), pp. 355–365.

¹⁵ J.H. LAUB, R.J. SAMPSON: “Understanding desistance...,” p. 28.

¹⁶ *Ibidem*, p. 49.

¹⁷ Y. HAIGH: “Desistance from crime: reflections on the transitional experiences of young people with a history of offending.” *Journal of Youth Studies* 12/3 (2009), pp. 307–322.

the matter of breaks between successive criminal episodes in the life of an individual;¹⁸ threads which, if pursued, could turn out to be particularly useful in the understanding of the nature of desistance from crime, discussed by Piquero et al.¹⁹ In her study on youth crime, Yvonne Haigh states that desistance from criminal activity has a completely different nature in the 14–17 age group than in the case of older youths in the 18–24 age group. While conducting in-depth interviews, she concludes that for older youths desisting from crime was their autonomous and conscious decision, resulting from their tiredness with a criminal way of life. Meanwhile, for youths in the younger age group, the factor of change tends to be pressure from parents, participating in various support programmes – as a result of either the disclosure of their first crime, or a transfer to a different school – or fear of being sentenced to a detention centre.²⁰

There is also evidence to believe that desistance from crime by juvenile delinquents is a normal stage in the transition from the period of adolescence to adulthood because every young person at some point of his or her life violates a legal rule or shows demoralisation (e.g., buys marijuana, takes part in binge drinking, commits a single act of vandalism, etc).²¹ As Michael Massoglia and Christopher

¹⁸ In criminological studies, the control time to measure refraining from crime is the period of 6 months, sometimes one year, or two years after committing the last crime (Anglophone category *refrain from crime*, or *cessation of criminal activity*, and mostly called *termination*): J.H. LAUB, R.J. SAMPSON: “Understanding desistance...,” p. 9 and L. CONTRERAS, V. MOLINA, M.C. CANO: “In search of psychosocial...” It is different in the case of drug abstinence, where the control of effectiveness (follow-up period) is measured after three years. Actually, no time break will guarantee desistance but researchers establish some dividing lines to compare studies. Laub and Sampson quote data concerning alcoholics treatment, where desistance from a particular activity for a longer time decreases the risk of regression, but it does not eliminate it altogether. According to this data, 45% of alcohol-addicted men and women revert to their disease after two years of abstinence. Cf. G.E. VAILLANT: “A long-term follow-up of male alcohol abuse.” *Archives of General Psychiatry* 53 (1996), pp. 243–249.

¹⁹ A.R. PIQUERO, R. BRAME, D. LYNAM: “Studying criminal career length through adulthood among serious offenders.” *Crime and Delinquency* 50 (2004), pp. 421–435.

²⁰ Haigh quotes a fragment of the interview with a 20 year old woman: “I just made the decision that I didn’t want to live like that anymore, I didn’t need to do all that crime, but no one could make me make the decision, it didn’t matter how many programmes I did, I had to decide to change . . . Now I am doing some courses and I want to help other kids like me to change their lives . . . (female, 20 years),” and a fragment of the interview with a representative of the younger category (the 14–17 age group): “I get on better with my parents now. They want me to come home but I can’t, it’s too hard . . . I’ve got hostel accommodation now and I’m finishing high school and we’ll see how things go . . . They seem really happy to see me and I hope things keep going . . . (male, 17 years).” Y. HAIGH: “Desistance from crime . . .,” pp. 313, 317.

²¹ M. MASSOGLIA, Ch. UGGEN: “Settling down and aging out: Toward an interactionist theory of desistance and the transition to adulthood.” *American Journal of Sociology* 116/2 (2010), p. 544; Barry Goldson argues that “most juvenile offending was petty, opportunistic and transitory and the majority of children ‘grow out of it’ . . . that premature and over-zealous intervention

Uggen state, desistance from crime is a textbook example of adulthood criterion, along with such rates as: financial independence, housing independence, getting a job, starting a family, bearing a child, and completing education. Crime is seen here as a behaviour which is not adequate to the age group which we grant the status of adulthood. The aforementioned authors put forward an intriguing thesis that the increasing number of young criminals (25 year olds), incarcerated in state and federal prisons between 1955 and 2000, is a result of a delayed process of adolescence of young people, who become independent increasingly later. Meanwhile, it is not exactly known to what extent postponing adulthood generates an increased number of people committing a crime – in Europe young people leave homes increasingly later – and to what extent this rise is connected with the increasingly more restrictive and punitive American system. The American penal system more often uses the most radical sanctions, generating – as the authors seem to suggest – a bigger number of young people being confined to prisons (or, broadly speaking, places of confinement) and therefore unable to take another step in their course of life, that is, the step to adolescence (because of the difficult access to education, ruined career, and lack of possibility to start a family). In the United States, such a conclusion is justified because – as it is noticed by Mariusz Sztuka, who queried American literature concerning a rapid increase in prison population in the last decades, that is, so-called mass incarceration – this problem relates to a multitude of young people. “The US society representing 5 per cent of the total world’s population has an imprisoned population equal to a quarter of the total number of imprisoned people on the earth. During two decades (1987–2007), the number of prisoners in the United States trebled (Pew Center on the States). Among men in the 20–34 age group, on average, 1 of 30 is in solitary confinement (in Georgia, this rate amounts to 1 of 14 men). Among black citizens of the USA in the same age group (20–34), 1 of 9 men is in isolation.”²² All in all, it is not impossible that the sometimes restrictive penal policy, which excludes a large number of people from a normal daily life, will generate more indicators of recidivism in the future among people, who due to ill-considered incarceration are not able to have a normal lifestyle.

Failure to desist from crime by a significant number of young people in spite of their getting older – as crime in the West is still on the increase – that is, lack of transition from the period of experiments with norms to adulthood, can result

not only hampered the process of growing out of crime but it also, by the formal application of criminal ‘labels’, served to stigmatise children, trigger negative social reaction to them, and thus compound the likelihood of further delinquency.” See: B. GOLDSON: “Children, crime and the state.” In: *Children, Welfare and the State*. Eds. B. GOLDSON, M. LAVALETTE, J. McKECHNIE. London–Thousand Oaks–New Delhi 2004, p. 122.

²² M. SZTUKA: *Anachronizm i aktualność. Idea resocjalizacji w sporze o nowoczesność*. Kraków 2013, p. 122.

from an increasing number of difficulties at the start of life. High unemployment rate among young Europeans, leaving their home late, and extended period of education result in the situation that for many young people, stepping into adulthood never comes. This relationship is noted by Anthony Giddens, who observes that lack of career prospects for a significant number of young people prevents them from maturing to the role of a responsible person,²³ which, in turn, prevents them from reaching adulthood. While the suggested correlations are beyond dispute, some reservations remain as to whether desistance from crime should be treated as a necessary condition to reach adulthood because many people who meet adulthood criteria (e.g., having family, profession, and housing independence) still commit crimes or have just entered the path of conflict with the law.

As it is claimed by Massoglia and Uggen, it is owing to marriage and financial independence that people perceive themselves as adults and, therefore, as people for whom committing a crime is something not appropriate for their status (“desisters may feel more like adults than persisters”). And vice versa, acceptance of being stigmatised as a criminal, which is a natural effect of imprisonment, results in the fact that individuals envisage multiple problems in the future with achieving the status of a full-grown person, that is, they suspect that they may never be able to start a family or find their place in the labour market (“criminal punishment activates labelling processes that handicap offenders in marriage and labour markets”).²⁴ Therefore, the consequence of juvenile delinquents’ imprisonment is a disruption of their developmental transition to adulthood, that is, social functionality of individuals and achieving the state of life fulfilment (“punishment disrupts the transition to adulthood and, in turn, affects well-being and social functioning”).²⁵

Our own studies, to which we would like to refer in the next chapter, present a rather different situation with which we deal on the European continent. The rates of imprisonment are very diversified, but across the European Union they are significantly lower than in the USA, so that theories of developmental stigmatisation and fixation resulting from a massive incarceration of young people in our culture do not explain an increased number of crimes. Moreover, in a vast majority of the cases that we have examined, the situation of delinquents (emotional, social, and criminological) is so unfavourable that the fact of placing them in juvenile detention centres and juvenile shelters (the most strict isolating measure taken against juvenile delinquents in Poland) increases, rather than decreases, chances for self-development and desistance from further

²³ A. GIDDENS: *Sociology*. Cambridge 2001, chapter 8.

²⁴ M. MASSOGLIA, CH. UGGEN: “Settling down...,” p. 551.

²⁵ Ibidem, p. 574.

demoralisation of a juvenile.²⁶ On the other hand, one can completely agree with the thesis present in Anglo-American literature, saying that very often crime occurs as a result of a juvenile's entering a peer impact zone and, at the same time, leaving home. In the next part, we refer to our own studies which clearly show the correlation between the moment of crime and a particular point in life of an individual.

²⁶ We discuss the important role of the often criticised juvenile detention centres in: M. BERNASIEWICZ, M. NOSZCZYK-BERNASIEWICZ: "Sytuacja szkolna nieletnich w zakładach poprawczych i schroniskach dla nieletnich – analiza jakościowa." *Chowanna* 1/38 (2012), pp. 121–131.

CHAPTER 5

Family life and peer groups as an indicator of a criminal activity

A relatively common phenomenon is entering the criminal path at the moment of transition from parental influence to socialisation with peers, while desistance from crime is related with leaving the zone of peer influence and entering marital impact zone (“onset of antisocial behaviour is due to changes in social influence from parents to peers and . . . desistance is due to changes in social influence from peers to spouses”).¹ In our own studies, we have managed to capture this moment, since it has its own specifics. The data we have collected come from analysing documents and personal files of juvenile offenders who at the time of the research were staying in three juvenile detention centres located in the Silesian Province, that is, a region with the highest level of urbanisation and population density in Poland (in the Silesian Province, there are three juvenile detention centres: in Racibórz, Pszczyna, and Zawiercie).² The studies were carried out between November and December 2010, on documents with biographies of 26 males (Racibórz, Pszczyna) and 24 females (Zawiercie), so that in total, the studied population amounted to 50 delinquents aged from 13 to 21. In Poland, the age of 13 is a minimum age of criminal responsibility, from which a juvenile may be placed in closed rehabilitation institutions; in special cases, after the age of 10, a juvenile can be placed in a youth educational centre (*młodzieżowy ośrodek wychowawczy* – MOW), which is not so strict as a juvenile detention centre in the form of a rehabilitation institute.

While analysing the biographies of juvenile offenders (records from welfare officers, probation officers, and pedagogical and psychological personnel of the

¹ J.H. LAUB, R.J. SAMPSON: “Understanding desistance...,” p. 5; D.P. FARRINGTON: “Explaining the beginning, progress, and ending of antisocial behavior from birth to adulthood.” In: *Facts, Frameworks, and Forecasts: Advances in criminological theory*. Ed. J. McCORD. New Brunswick 1992.

² Further in the text, fragments of the records of the examined are presented and identified only as ZP (Pol. *zakład poprawczy*) and the name of the city where the juvenile detention centre is located.

rehabilitation institution), it has to be stated that the study group's transition from being influenced by home to the influence of destructive groups of peers is not anything coincidental, but a natural consequence of having a dysfunctional family. Family with many problems (such as criminal record, parents' addictions, violence, pedagogical helplessness, and frequent reconstructions of family, which all result in losing contact with the biological father/mother) in a very obvious way attracts young people to peers who are similarly lost and frustrated, and who start to condition one another to criminal behaviours (synergy effect). The above dependence is visible in the exemplary fragments of the juvenile offenders records:

*The mother of the juvenile lives together with her cohabitant in Katowice. She is not interested in the juvenile's affairs and she does not keep in touch with him. The father does not keep in touch with the juvenile or his sister . . . The mother is addicted to drugs and alcohol . . . The juvenile in the early childhood experienced serious negligence on the part of the guardian. He was a witness of abuse of his mother by her partners. There is a probability that he was also a witness of many acts of self-aggression among his mother and her cohabitants, and her sexual activity. . . . according to the caseworker's commentary, it turns out that the mother earned her living by prostitution. As a 9-month-old child, the boy was under his great-grandmother's care. The child was extremely neglected: dirty, without personal child health record and valid vaccinations. His physical and mental development was delayed . . . The great-grandmother was legally sanctioned as a foster family in 2002. The caseworker's commentary proves that behaviour issues with the great-grandson appeared after the death of her husband – the reported individual's great-grandfather. Before, the boy was behaving appropriately. For two years, the boy's behaviour has borne the hallmarks of demoralisation. **He associates with a group of depraved people, commits crimes.** (ZP Pszczyna)*

*The child was raised in a deeply pathological environment. Both parents abused alcohol, there was violence at home and the father was maltreating the boy. As a result of habitual conflicts, parents divorced. At present, the juvenile does not have any information about his father. [Parents' – authors' note] have been deprived of their parental authority. The juvenile is often under his sister's care, who is 9 years older. When he was 10 years old, he was abandoned by his mother and was placed for a short time in an educational care facility. . . . He was constantly running away from facilities and was expelled from the records of children in care. During his escapes, **he was sleeping at his friends'**, on stairways, earned his living as a beggar, sometimes worked illegally by laying cobblestones, **was hanging around with depraved people.** (ZP Pszczyna)*

Family environment bears the symptoms of parental incapacity. The juvenile was abandoned by his parents and was brought up by a foster family where he had his existential needs satisfied. . . . In the school area, the reported individual

*was involved in petty thefts, intimidations, provoked fights, threatened a teacher with an assault, **openly declared his membership in a criminal organisation.** . . . **Currently, his depraved friends, among whom he feels that he is important and popular, are his reference group. The juvenile is easily influenced by environment; he is naive and gullible; he is impressed by the criminal underworld and identifies with it. The boy adopted the principles accepted in the criminal underworld and applies them in his behaviour.*** (ZP Pszczyna)

As a result of not having appropriate conditions of family life, young people start showing behaviour disorders and, sooner or later, violating culturally sanctioned social norms (legal principles). Initially, young people who are partially demoralised (depraved) are involved in minor offences, but later, in a peer group they commit more serious crimes, taking steps to higher levels of demoralisation:

*The mother, as it follows from the interview, even during the juvenile's education could not deal with increasing problems caused by her son. Although the mother's cohabitant took part in his upbringing – he satisfied material and living needs of the juvenile – the mother could not deal with growing problems of her son. The reported individual spent his spare time with friends that his mother did not accept; he was ignoring any principles of community life; very often he was running away from home. **During his escapes he used to sleep in dens, sniffed glue, was a beggar, was involved in thefts, and smoked cigarettes.** His brother had a really bad influence on him.* (ZP Pszczyna)

*The juvenile is a child coming from blended relationship; the parents have not been living together for 15 years. The juvenile states that his parents broke up when he was 3 years old. The father did not participate in his upbringing because he was serving long-time prison sentences. . . . The juvenile's behaviour issues appeared in 2004. **He was associated with a depraved group of people, was smoking cigarettes and consuming alcohol; together with his friends, he broke into a holiday cottage, which resulted in taking measures by a probation officer.*** (ZP Racibórz)

*The juvenile is brought in by a blended family. The father of the juvenile died in 1999. The mother remarried in November 2007. The juvenile has an older step-brother on the mother's side and a younger sister. The juvenile's family has often changed their address so that the juvenile has changed his school many times. . . . When he started education at a junior secondary school, increasing behaviour issues could be seen again. **The juvenile was hanging around in a company of older and depraved people. In a group, he played the role of an aggressive leader.** He still was breaching the law. His mother was helpless about her son's inappropriate behaviour. . . . The mother is not willing to cooperate with the school, she has a claiming attitude and has no idea how to bring up her son. Her only practice is to ground him. The juvenile goes crazy in a cramped flat. The juvenile is a boy of charm, has many penal acts to his credit, many fights, so-called football hooligans fights, is involved in muggings, extortions, thefts. He is proud*

*that his father was a mafia soldier. . . . in individual relations, he is impeccable but **in a group he becomes an aggressive leader. He has a tendency towards aggressive football hooliganism. He is a fan of Cracovia.*** (ZP Racibórz)

In the light of the aforementioned fragments of records, a peer group appears not to be a primary source of behaviour disorders, but acts as an ideal catalyst for criminal behaviours, where willingness to commit is formed in a process of dysfunctional family socialisation. It is the dysfunctional family environment that is the primary source of deviant behaviours. Lack of appropriate family relations leads to a variety of emotional problems, to a rebellion and to a negative attitude towards the world and adult people (teachers, educators, and, last but not least, parents, as people who heavily disappointed them). However, at this stage (frustration with one's family) serious crimes occur rarely. On the other hand, there are conflicts with the environment (teachers and schoolmates), experiments with psychoactive substances (alcohol and drugs), neglect of school duties, and petty crimes (thefts and threats). More serious crimes appear along with entering a similarly demoralised (depraved) group of peers. Committing crimes in a group is a more frequent phenomenon than acting as an individual. In Przemysław Piotrowski's studies on robbery, the majority of the juveniles (63%) were involved in a robbery in a group of two people. Only about 10% of the juveniles were acting independently. The rest of the robberies were acts committed by groups of three or more people.³ In other research done on 179 young offenders (according to Polish criminal law, they are people between the age of 17 and 21), 126 of the examined (69.8%) committed a crime in a group and only 54 (30.2%) were acting independently.⁴

Juveniles act in a group because much earlier, before committing a crime, they form communities of people with similar life experiences. Communities in which they build their own identity. Juvenile offenders coming from similar environments build a collective identity around similar values and attitudes. Mieczysław Radochoński notices that youth with behaviour disorders paradoxically have many friends who additionally present similar personal character features and lifestyle. "This similarity is a result of the following mechanisms: 1. Selection, owing to which an individual makes friends on the basis of similarity of personal features and behaviours; 2. Exercising personal influence, whose aim is to make friends behave in a certain way; and 3. Deselection, which is based on avoiding or excluding friends whose behaviours differ from the anti-social individual's expectations.⁵ The following fragment perfectly demonstrates the aforementioned mechanism of a criminal peer group:

³ P. PIOTROWSKI: *Rozbój. Uwarunkowania psychospołeczne, motywacja i racjonalność sprawców*. Warszawa 2011, p. 240.

⁴ E. CZERWIŃSKA-JAKIMIUK: *Przestępczość młodocianych. Interpretacja zjawiska w świetle ogólnej teorii napięcia Roberta Agnew*. Kraków 2011, p. 113.

⁵ M. RADOCHOŃSKI: *Osobowość antyspołeczna*. Rzeszów 2009, p. 82.

*From her birth until the age of 4, she stayed at an orphanage. At the age of 4, she was adopted by a family. . . . Adoptive parents could not deal with emotional problems of the daughter and on-going difficulties. Moreover, marital relations were blemished because of the father's alcohol abuse. There were conflicts and scenes at home which had a bad influence on the mental and emotional state of the juvenile. . . . The girl had problems with adaptation at school. She felt isolated and started to have conflicts with peers. She was not very interested in learning. Issues such as truancy and running away from home for one or two days occurred. When she was 11, they lasted up to 3 months. **She stayed then in a very pathological environment, which accelerated her demoralisation.** She started smoking cigarettes, drinking alcohol, lying, and stealing, both at school and home. She ignored her parents' expectations and the teachers' instructions. **When she was away from home, she made friends with older, depraved children and was susceptible to their influence.** At the age of 9, she started smoking cigarettes and at the age of 11 she started taking drugs. She was smoking hashish and marihuana, as well as taking amphetamine and ecstasy. She was constantly sought by the police. The juvenile has an occasional contact with her mother. The child in care speaks very badly about her mother. She thinks that her mother expected too much from her. . . . The woman feels a complete parental failure and would like to request the termination of adoption. . . . [The juvenile – authors' note], when she was at the age of 17, she was de-registered from a permanent address by her parents. The mother is not interested in her daughter's life. The juvenile associates home with scenes and drunk father. She is not attached emotionally to any of her parents. As she states in her written note: "My family treats me like a black sheep. The worst thing which happened to me was being a member of this family." (ZP Zawiercie).*

One should not draw automatic conclusions that associating in groups of similar people is dangerous by its nature and escalating crime activity could occur along with entering a peer group. It fulfils a very important socialising function. As it is rightly noted by Florian Znaniecki, in a peer group, there is a unique process of acquiring important social skills, useful both in criminal and socially approved life. Among peers, a young person has a chance to show his or her own initiative, learns how to lead, experiences treating somebody instrumentally, but also is voluntarily subservient to the authority of his or her leader, not predetermined, but selected on the basis of approved predominance.⁶ The problem lies neither in the fact that peer groups exist, nor in episodic experiments with social norms by their members. The problem lies in the lack of control over peer functioning, which should be taken by an appropriately functioning home. In the case of juvenile delinquents, a family of origin not only fails

⁶ F. ZNANIECKI: *Socjologia wychowania*. Vol. 1. Warszawa 1973, pp. 147–148; Cf. A. Kossowska, A. Mościkier: "Grupy rówieśników a przestępczość młodzieży." In: *Zagadnienia nieprzystosowania społecznego i przestępczości w Polsce*. Ed. J. Jasiński. Wrocław-Warszawa-Kraków-Gdańsk 1978, p. 369.

to fulfil a control function, but also is itself a source of pathological patterns of daily life.

It is worth drawing attention to social and moral situation of juvenile delinquents (fixation on a primary level of moral development) as well as to educational and health problems (arrears at school and addictions respectively), which were clearly presented in the quoted fragments from our studies. If it were not for placing in rehabilitation institutions, there would be worse demoralisation and even more serious crimes by juveniles. It is owing to court interventions that juvenile crime career has been terminated, and adulthood – understood as desistance from a criminal activity – has become possible. After leaving juvenile detention centres, almost half of the delinquents (according to the statistics of the efficiency of social rehabilitation institutions in Poland)⁷ become law-abiding citizens. Most likely, without social rehabilitation facilities, none of those people would have had a chance for normal adulthood. This fact is further proved, *inter alia*, by Jan Konopnicki's studies, who conducted research and interviews in the educational environment of 150 children diagnosed with behaviour disorders in community centres because of problems caused by them. In the community centre, the children had only educational care, without any therapy. The project offered a chance to precisely examine the state of those children's environment, as well as changes and consequences which occurred there. The investigations demonstrated that in the case of 88 children, there was an improvement in behaviour, and in 65 cases a change in the environment occurred (placing in an educational centre, or sending children from home to their relatives, or leaving home by a person who had a destructive impact on the child). On the other hand, in 62 cases, worse behaviour occurred, and among these, only in 2 cases the environment was changed. Changing the environment turned out to be the strongest factor which modifies behaviour disorders. On the basis of these results, Konopnicki states that "behaviour improvement without any outside intervention is unlikely (4 cases of 88), while worsening of the disorder without any intervention was obvious (47 cases of 62, in the rest of 15 cases, deterioration occurred despite the intervention)."⁸ Eliminating negative influence of the existing environment and, at the same time, appearance of correcting influence revealing hidden, constructive resources that every person possesses, are the tasks for social rehabilitation institutions, which are discussed in the next chapter.

⁷ A. SZECÓWKA: "Powrotność na drogę przestępczą nieletnich zwolnionych z różnych typów zakładów poprawczych." In: *Profilaktyka społeczna i resocjalizacja w nurtach inkluzji. Doświadczenia, problemy, perspektywy międzynarodowe*. Eds. B. JEZIEŃSKA, A. REJZNER, P. SZCZEPANIAK, A. SZECÓWKA. Warszawa 2013, p. 351.

⁸ J. KONOPNICKI: *Zaburzenia w zachowaniu się dzieci i środowisko*. Warszawa 1964, p. 37.

CHAPTER 6

Correctional facilities, an attempt to compensate for the influence of dysfunctional families

All the factors (turning points) described in Chapter 4, which help to desist from criminal career, do not refer to a sudden change of personality of a socially maladjusted individual, but to his or her social change largely created by social bonds which are built during his or her lifetime. Stopping the process of demoralisation and the sense of being protected from negative consequences of one's actions, arising from placement in a social rehabilitation centre, seem to be other factors of desistance from crime. If we weigh the degraded home and peer environment against placement in social rehabilitation centres, we notice that despite some unfavourable processes taking place in some such institutions, the benefits they offer to the individual – such as new resources in the form of new social interactions, return to school, the beginning of a rehabilitation, and often a therapy – tend to outweigh the disadvantages and foster desistance from harmful lifestyle, moral degradation and criminal path. Especially, the first factor, that is, constructive social interactions may compensate for negative social experiences gained at the family home. It turns out that a professional pedagogical personnel of institutions for juvenile offenders may become a surrogate of a biological family, effectively compensating for the mistakes made by biological parents during the juvenile delinquents' lifetime.

The socialisation potential of teachers was appreciated, inter alia, by Barrett Mincey and Nancy Maldonado from Walden University, who conducted a phenomenological studies of rehabilitation programmes held in rehabilitation institution conditions. They based their results, presented in January 2011 on a qualitative analysis of the interviews with 9 juvenile delinquents (aged 18–23 years, young adults category), who completed the process of rehabilitation successfully in isolated conditions.¹ Court sanction in residential conditions came to an end, while the supervision during guardianship in probation conditions

¹ B. MINCEY, N. MALDONADO: "Shared stories of successful graduates of juvenile residential programs: A phenomenological study." Paper presented at the *Walden University Research Symposium*. Miami 2011, p. 2; <http://files.eric.ed.gov/fulltext/ED518854.pdf> (18.11.2011)

was completed with satisfactory results. The participants of the study were asked to talk about their experiences resulting from participation in institutional rehabilitation programmes. The interview with the youths shows that the counsellors appeared to be the reasons why some of them succeeded and why others failed; that is, how much depended on their competencies, compassion, and trust which they inspired by showing children in their care respect, interest in their affairs, and commitment to solving their problems. Among the personnel, there were both “good” and “bad” counsellors. In the group of competent and compassionate counsellors, the respondents identified those who used “a tough love approach,” that is, those who made the youths realise that they had destroyed their life by entering a crime path, but did not judge them – instead, they provided them with alternatives to crime. “Good counsellors” were interested in the juveniles’ way of thinking and their emotions, they interacted with them in ways that made them comfortable. They assisted them in their problems, taught how to think before they did something, how to search for different and better solutions. Bad counsellors, according to the respondents, were calling them “bad ass git” and “shit”, constantly reminding them of their criminal past, which at the same time made the youth lose trust in all their counsellors. The respondents most appreciated counsellors who helped them with the insight and dealing with their own problems. At the same time, older counsellors were better evaluated. They were more practical and serious, helped more efficiently to understand the world about which the youth had not heard, and provided them with knowledge about really difficult experiences (e.g., some of the counsellors were Vietnam veterans). The young personnel, in turn, did not try to listen to the youth.²

Choosing older counsellors as the people with the biggest authority may result from their age, which is similar to the age of the juvenile delinquents’ parents. A positive presence of parents, full of care and involvement, even in the form of a surrogate personnel of counsellors, is desired by juvenile delinquents because of their multiple emotional deficits. It is a professional personnel that provides a sense of security and acceptance to the youth with conduct disorders; the lack of this sense is often a result of rejection or a trauma from the past (“Positive relationships with individual personnel members as well as daily routine help to foster a sense of emotional safety”).³

It should be remarked that the mind of an individual is shaped not only by communities, cultures, religions or family traditions, but also by another human

² For more details about these studies, see the article: M. BERNASIEWICZ, M. NOSZCZYK-BERNASIEWICZ: “Anglosaskie doświadczenia w realizacji programów resocjalizacyjnych (correctional treatment) a polski IPR (indywidualny program resocjalizacji).” *Resocjalizacja Polska* 3 (2012), pp. 277–287.

³ R. GREENWALD: “A trauma-focused individual therapy approach for adolescents with conduct disorder.” *International Journal of Offender Therapy and Comparative Criminology* 44 (2000), p. 148

being. The “social stock of knowledge”⁴ that conditions the behaviour of the individual may be an effect of an interaction with only one person who turned out to exert a key impact on the personality and *Weltanschauung* of that individual. Psychoanalysts perceive especially the father as this influential person since the emergence of the superego originates with an identification with him. Counsellors highlight the significance of the mother, who develops the most basic life expectancies in her child and satisfies the child’s primary needs. Sociologists speak of “significant others,” and publicists, of authorities.

Thus, since such creative power is embedded in “intersubjectivity,”⁵ it should be used by counsellors (social workers), who due to the nature of their work have to “construct” another person in a planned and intentional way and take responsibility for him or her with regard to various aspects of their educational practice (intervention).⁶ According to Ph. Zimbardo, people whom he has met during his life have exerted the greatest impact on his life and career. “The reason why I have become successful [he recollects in an interview with Wictor Osiatyński – add. M. B. and M. N.-B.] and my brother not is not because of the difference in personalities but due to the fact that I had different teachers and friends, I have been in other situations, etc. The conditions made me focus on the future, and my friends taught me how to plan. I kept thinking what my life might look like. And it helped. My brother was more present-oriented. He could live for the moment and enjoy it but he could not change his life.”⁷ It is hard not to appreciate the influence of conversations with unique people on our life. Similarly, the significance of role models exerts a vital impact on the rehabilitation of tutees (correctional treatment). Even the presence of a counsellor among tutees is a correctional method. The counsellors with their physical presence bring in their own social stock of knowledge, their own interpretations and above all their own attitudes towards a tutee that have an influence on social experience and the significant resources activated by the tutee. Obviously, it must be constructive presence, which, if planned adequately and intentionally, becomes constructive upbringing presence. A negative world image that induces a negative attitude towards the surroundings comes not only from opinions the tutee has come in contact with in his or her own environment (interpretations conveyed by means

⁴ R. KELLER: “The Sociology of Knowledge Approach to Discourse (SKAD).” *Human Studies* 34/1 (2011), p. 44.

⁵ C. SIEBOLD: “What do patients want?: Personal disclosure and the intersubjective perspective.” *Clinical Social Work Journal* 39/2 (2011), pp. 151–160.

⁶ From the perspective of symbolic interactionism, the processes of upbringing and social work may be perceived as a particularly important kind of social interactions that, if properly planned, decide about the resources of activated concepts and social actions of social service clients; see M. BERNASIEWICZ: “A symbolic interactionism perspective in the social rehabilitation theory and clinical social work” *The New Educational Review* 29/3 (2012), pp. 305–315.

⁷ W. OSIATYŃSKI: *Zrozumieć świat. Rozmowy z uczonymi amerykańskimi*. Warszawa 1980, p. 195.

of a symbolic communication of the significance), but mostly from frustrating experiences with people who are close to him or her and the destructive values that they share. Especially these negative experiences make tutees define the world in a way that enables them to break social norms.

Hence, the constructive presence of a counsellor should concentrate not only on the cognitive reconstruction of tutee's consciousness but also on the fulfillment of his or her needs and the creation of new normative orientations, which activates a desired significance and, as a result, a positive social action. In such a way, more and more outside-world referents gain positive significance, which consequently activates proper social behaviour. Thus, the tutee – even subconsciously – adopts the counsellor's world of values. The method of constructive presence acts on two levels. On the one hand, it activates the processes of identification with a role model, modelling, coping or imitating. On the other hand, it allows for an indirect upbringing – using Brezinka's terminology – that is, the upbringing that “assumes that counsellors try to acquire features thanks to which children, students and tutees can feel that their relationship with counsellors is something enjoyable and not sad. An adherence to normative points of reference [one could add here the significance and interpretations of the situation – add. M. B. and M. N.-B.] originates in childhood and adolescence, usually due to love for people who are close to that person and who value these points of reference. However, an aversion to an counsellor who is hostile, does not have enough knowledge or abilities and lost his authority may cause an emotional rejection of ‘values’ [significance – add. M. B. and M. N.-B.] that the counsellor holds.”⁸

A good counsellor saves the authority of an adult since among juvenile delinquents and problem children this authority has degraded. An adult should invoke associations with responsibility, safety, and initiative; however, often these associations are reverse. It is important that an adult activates a desired significance since a child needs support and the feeling of dependence in order to properly go through the period of childhood. Graniger rightly points out that in a family in which the relationships are disturbed and where there are no bonds or constructive rules of functioning, children have problems constructing an authority of a parent and thus they rebel against their parents, disrespect them, and demonstrate a flippant attitude towards their parents' laws and power.⁹ Thus, the counsellors' task is to restore the authority of an adult whom one may trust.

Family life in the form of a constructive family of origin and/or a happy marriage, but also acting in the form of institutional rehabilitation (offered to

⁸ W. BREZINKA: *Wychowanie i pedagogika w dobie przemian kulturowych*. Kraków 2008, pp. 36–37.

⁹ J. GRANIGER: “Skuteczny pedagog w procesie pomagania.” In: *Absolwent pedagogiki dziś. Perspektywa teorii i praktyki pedagogiki społecznej*. Eds. E. KOZDROWICZ, A. PRZECŁAWSKA. Warszawa 2006, p. 119.

those, who mostly were not lucky when it comes to a biological family), are the factors protecting against primary and secondary crime. Another important factor protecting against crime, so far ignored in the foregoing considerations, is an intervention in the form of empowering a dysfunctional family. Taking into account juvenile delinquency, the *empowerment* should be understood as a dysfunctional family's submission to a process of social and/or therapeutic intervention. It is a perspective which is very often raised in the literature on the subject.¹⁰

However, we think that the focus on the perspectives offered by rehabilitation centres is indeed justified, because this subject area is still a niche in scientific literature and tends to be identified – in our opinion, unfairly – with negative processes of total institutions influence. It is understandable that better results could be achieved by improving functioning of the family from which juvenile delinquent comes than by social rehabilitation in an artificial environment of an isolating institution. However, first of all, not every family gives their consent to a therapeutic intervention. Second, national systems of social rehabilitation and prevention do not often see the necessity of working with a juvenile delinquent along with his or her family. In Poland, except for the principles of cooperation with parents of the juvenile delinquents who stay in isolating institutions, which is regulated by many legislative acts concerning institutional rehabilitation, there are no attempts to make any changes in the family environment of a juvenile delinquent. A point of focus of combating juvenile delinquency is the correction programmes directed to the juveniles, rather than therapeutic and social work with their even more deviant parents.

Taking into consideration the above, we face the inevitability of “taking a juvenile out” of their parents’ influence and placing them in a substitute pedagogical and educational environment. It is necessary because it is a particular family structure, full of social pathologies (alcoholism, drug addiction, crime, and violence), that has led to behaviour disorders and violating social norms (including legal principles). Placing in an institution puts an immediate end to progressive moral degeneracy of young people (psychoactive substances intoxication, truancy, becoming sexually active early, and staying in an environment of depraved people), opening for them gates to the new life chances.

¹⁰ V. BĘDKOWSKA-HEINE: “Włączanie rodzin nieletnich sprawców czynów karalnych w proces ich resocjalizacji – propozycje dla kuratorów sądowych.” In: *Profilaktyka społeczna i resocjalizacja w nurtach inkluzji. Doświadczenia, problemy, perspektywy międzynarodowe*. Eds. B. JEZIEWSKA, A. REJZNER, P. SZCZEPANIAK, A. SZCÓWKA. Warszawa 2013; J. PITTS: *Working with Young Offenders*. Houndmills–Basingstoke–Hampshire–London 1999, pp. 35–46; A. PIQUERO, D.P. FARRINGTON, B. WELSH, R. TREMBLAY, W. JENNINGS: “Effects of early family/parental training programs on antisocial behavior and delinquency.” *Journal of Experimental Criminology* 5 (2009), pp. 83–120; A. BARCZYKOWSKA, S. DZIERŻYŃSKA-BRĘŚ: “Profilaktyka oparta na wynikach badań naukowych.” *Resocjalizacja Polska* 4 (2013), pp. 138–147.

It is worth bearing in mind that making those life chances real does not depend only on the efforts of the psychological and pedagogical personnel employed in rehabilitation centres (in Poland, professional personnel has best possible qualifications – completed higher education and many professional post-graduate courses), on the organisational level of the centre (in Polish juvenile detention centres and juvenile shelters, there are separate schools and many qualification courses for dependants, such as: operation of a cash register course, tailoring courses, furniture making courses, etc), but to a large extent also on the quality of the after-care assistance. And at least in Poland, the after-care assistance is absent. As they come into their own – and this process should start at the moment of placing in a centre – it is essential that juveniles should not be expected to return to their dysfunctional families. The answer to this problem should be a developed system of the after-care assistance, that is residence schools helping to become independent (hostels) and social flats. Meanwhile in Poland, in the year 2014, for 34 juvenile detention centres (equivalent of German penal institution for delinquents, that is, *die Jugendstrafanstalten*), there existed only two hostels for former dependants of juvenile detention centres aiming at becoming independent. It is a situation where it is difficult to expect positive results and a low level of recidivism. The great majority of juveniles come back to their families where there are still inappropriate pedagogical and educational conditions, such as drug abuse, alcohol consumption, or violence.

CHAPTER 7

Family-based prevention

The actions initiated in reference to parents of juvenile offenders have immense significance in the process of breaking the delinquent “career” of their children, and also contribute to lowering the probability of returning to criminal life by juveniles. Providing social support for the parents in the form of developing their pedagogical potential and training specific social skills allows to achieve two types of benefits. First, it immunises children growing up in such a family against various social dangers. With the initiated emotional, material, or information assistance for parents, children can experience their real presence. The objective of the psychological and social support for parents is to improve communication with the children, to sensitise them to the necessity of presentation of consistent attitudes towards the children and to teach them how to apply penalties and rewards that are commensurate with the offence. The existence of the “clear rules at home and a structured environment” means in fact the most important “factors highly linked to the non-recidivism of young offenders.”¹ Another benefit of providing social support to parents is prevention of the disintegration of the given family resulting from taking away the children in the face of the escalation of the family crisis. Referring children to replacement forms of care cannot guarantee optimum childcare conditions. This is the reason why the most important measure recommended as delinquency prevention by a social worker, a therapist or a counsellor consists in attempting to “design effective programs of detection and treatment with high risk families, and, by this way, to prevent as possible the involvement of children and teenagers in problematic behaviors in the future.”² Hybrid forms are also applied where intensive work with parents accompanies the temporary protection of children in a foster family. A good example of the programme with this scope is the Multidimensional

¹ L. CONTRERAS, V. MOLINA, M.C. CANO: “In search of psychosocial variables linked to the recidivism in young offenders.” *The European Journal of Psychology Applied to Legal Context* 3/1 (2011), p. 79.

² See *ibidem*, pp. 80–85.

Treatment Foster Care, addressed to children and youth manifesting antisocial behaviour. Children are referred to a specially prepared foster family for a period of 6 to 9 months, with their parents attending therapy sessions during this time and working on building a plan to enable the return of their children to the family. The parents are simultaneously taught effective control over children and provision of apparent support as well as consistency in their actions that involve their children.³

The modern knowledge about factors determining delinquent activities, still far from establishing total and autonomous risk factors which trigger them, and focusing on a large number of equally strong, overlapping predictors, allows interesting conclusions to be used in practice. The background of juvenile offenders features such varied environmental offence predictors as single parenthood, parental criminality, parental substance abuse, poor or harsh parenting, low socioeconomic status, violent or socially disorganised neighbourhoods, media violence, etc.; thus, one could expect that the highest effectiveness would be demonstrated by programmes focused on the elimination of groups of risks (the compendium of risks related to family life, related to subculture functioning, school and peer functioning, etc.) rather than on selected individual factors. Hirokazu Yoshikawa stated that “because multiple risk factors appear to have such a pronounced negative effect, early childhood programs that reduce multiple risks may be more successful in preventing chronic delinquency, rather than those that target only a single risk factor.” Yoshikawa reviewed 40 early education and family support programmes and confirmed their long-term effects on antisocial behaviour and delinquency. These programmes offered both home visits and centre-based educational childcare or preschool care. One of the programmes was the Perry Preschool Project conducted from 1962 through 1967 with some 123 three- and four-year-old children. The intervention consisted of two and a half hours of preschool experience five days a week for seven and a half months each year for two years. In addition, teachers visited each mother and child at home for 90 minutes once per week during the school year. The project decreased rates of self-reported delinquency at age 14, official chronic delinquency at age 19, and, in the most recent follow-up, at age 27, that is, adult criminality.⁴

Yoshikawa, presenting the results of the study on the effectiveness of family and children support programmes, divides them into those supporting only the child (cognitive, verbal ability, school achievement), those focused on the family (parenting behaviors), and those encompassing both objectives simultaneously. The meta-analysis of 40 programmes concludes with the statement that

³ A. BARCZYKOWSKA, S. DZIERŻYŃSKA-BREŚ: “Profilaktyka oparta na wynikach badań naukowych.” *Resocjalizacja Polska* 4 (2013), p. 144.

⁴ H. YOSHIKAWA: “Long-term effects of early childhood programs on social outcomes and delinquency.” *The Future of Children* 5/3 (1995), p. 59.

combination programmes produced long-term declines in antisocial behaviour and delinquency in the highest degree.⁵ High effectiveness is also the feature of programmes focused on the family, whereas the results achieved in programmes addressing only children are the poorest. The effectiveness of the latter ones is most visible in the area of enhancing cognitive ability rather than decreasing rates of delinquency. Other interesting family support programmes include, among others, home visiting programmes on pregnant women. The home visitors (nurses) give the women advice about childrearing, infant development, nutrition, and the need to avoid alcohol and drugs. One of such programmes showed that the children of the visited mothers were arrested at a significantly (54%) lower rate than the children of the non-visited mothers.⁶ The study of R.C. Serina et al. showed that the quality of family life is the most important area of manifestation of risk and protection factors, changes within which bring about the best results in the scope of lowering recidivism.⁷ Other results of the therapy, related to stress, optimism, and the feeling of inadequacy, bring about poorer results and are irrelevant for the coefficient of recidivism decrease, while those bringing improvement in the scope of knowledge, cognitive style, empathy, as well as self-assessment may even increase recidivism.⁸

The family-based prevention offers forms of classes that are used by specialists to achieve correction objectives: “the counselors talked to the boys, took them on trips and to recreational activities, tutored them in reading and arithmetic, encouraged them to participate in the summer camps, played games with them at the project’s center, encouraged them to attend church, kept in close touch with the police, and gave advice and general support to families” as well as “[reduced] the number of risk factors to which adolescents were exposed, through family services, skills training, mentoring, education, and after school activities.” Moreover, “the program, included modified classroom teaching practices, parent training, and child social skills training,” and “aimed to teach parents skills for communicating clear behavioral expectations, monitoring children’s behavior, managing family contact, promoting child involvement, and strengthening family bonds.”⁹ The meta-analysis of 22 programmes conducted by Brandon C. Welsh and David P. Farrington showed that family-based programmes are

⁵ Ibidem, p. 67.

⁶ B.C. WELSH, D.P. FARRINGTON: “Effectiveness of family-based programs to prevent delinquency and later offending,” *Psicothema* 18/3 (2006), p. 597.

⁷ R.C. SERIN, C.D. LLOYD, L. HELMUS, D.M. DERKZEN, D. LUONG: “Does intra-individual change predict offender recidivism? Searching for the Holy Grail in assessing offender change,” *Aggression and Violent Behavior* 18 (2013), pp. 32–53; cited in Z. BARTKOWICZ: *Agresywność, kompetencje społeczne i samoocena resocjalizowanych nieletnich a ich przestępczość w okresie dorosłości*. Lublin 2013, p. 33.

⁸ Z. BARTKOWICZ: *Agresywność, kompetencje społeczne...*, p. 33.

⁹ B.C. WELSH, D.P. FARRINGTON: “Effectiveness of family-based programs...,” pp. 598–601.

effective in reducing later offending. “Out of 22 evaluations, the experimental group did better than the control group in 19 cases, and the differences were significant (or nearly significant) in 12 of these 19 evaluations. The median decrease in reoffending in the experimental group compared with the control group was 35%.”¹⁰

The family environment is thus not only the most significant predictor of delinquent behaviour in juveniles, which is discussed in the following chapter, but also the area of the most effective changes, which therefore suggests that the largest intervention and therapeutic emphasis concentrated on reduction of the recidivism level should be placed on it. For the same reasons, it is necessary in some cases to “extract” a juvenile from a multi-problem family (families that pose resistance against changes, families with fixed patterns of criminal life, etc.), transfer him or her to a more optimum foster family environment or company’s care programme and initiate working with the family so as to enable the return of the juvenile to the natural environment.

¹⁰ Ibidem, p. 601.

CHAPTER 8

Weak males

8.1. Manhood in crisis

The “crisis of manhood” is not just another popular slogan in the press discourse. It is not an artificially created social problem brought to life by sociologists continuously hungry for new research subjects. There are too many facts that confirm the process for undermining manliness, to ignore them or consider merely incidental. Many books dedicated to this problem have been published in recent years, the ones which are especially popular on the Polish scientific market are the work of Zbyszko Melosik¹ and the book co-authored by a well-known American psychologist Philip G. Zimbardo.² Zbyszko Melosik collated many arguments from the English-language literature, today known quite broadly, that confirm the thesis that the male identity is becoming increasingly controversial. Putting this work in brief, the following phenomena should be emphasised that challenge the stability of the male self-esteem:

- Anti-essentialist critique of male features, or the fading away of the boundaries between male and female attributes, as a result of which representations (images) of the body in the media space as well as in reality (the common space) are increasingly non-distinguishable in terms of gender. “The gender category is losing its sharpness.”³ The question may be asked whether the so-called metrosexual man is a man at all. As a result of normalisation of homosexuality and transvestism, the current attribute of manhood – which heterosexuality has been so far – is also losing significance and is no longer the determinant of the true manliness;
- The liberated sexuality of women have caused quite a scare among men. Women reject the role of a passive sexual object ready to satisfy the male

¹ Z. MELOSIK: *Kryzys męskości w kulturze współczesnej*. Poznań 2002.

² P.G. ZIMBARDO, N.S. COULOMBE: *Gdzie ci mężczyźni?* Trans. M. GUZOWSKA. Warszawa 2015.

³ Z. MELOSIK: *Kryzys męskości...*, p. 47.

libido and, in turn, expect full sexual satisfaction. Paradoxically, ViagraTM has become the proof of the weakening potency of men and the confirmation that men start to have problems with self-esteem even in the bedroom space, here represented by erection. The male fear that they might prove insufficient in the field of sex causes their defensive reactions; and

- The patriarchy era is gone for ever. Not so many exclusively male professional roles have remained in the labour market. Women have become sufficiently autonomous to make men feel that their old role of the family guardian and guide has lost its importance. For this reason, males compulsively strive to rebuild their undermined domination and recover the lost strongholds. Millions of modern men are in search of new methods to restore the lost feeling of authority and power. Melosik quotes the example of a female bodybuilder as the “male physical nature” that presents the disproportion of strength and possibilities provided by nature for the particular genders and directs attention to the macho ideal, still common among men. The macho ideal is the essence of manliness. No one can cheek such a man; he is gruff, determined, and brave. This ideal is part of the personality of the hero in the form of the “Marlboro Man” (a brave cowboy with sharp, male features and a few days’ stubble), as well as a criminal terrorising his own surroundings. Another phenomenon described by Melosik is the sex-tourism trend, clearly marked in the West, which allows men from the North Atlantic culture to take advantage of services of Thai prostitutes and feel again the female subordination and submissiveness. Having lost the feeling of confidence in relationships with the women in the West, many Europeans and Americans are looking for these old female attributes in Asian women.

Philip G. Zimbardo and Nikita S. Coulombe present the male issue in a far broader scale.⁴ According to these authors, all male problems have a common denominator. Men are less active socially. The authors pose an intriguing thesis that men escape to the world of games and pornography, which is both the cause and the consequence (a vicious circle, a feedback loop) of social isolation experienced by them in the modern world. The virtual world appears to provide more attractive stimuli than the real one. Higher susceptibility of boys to addictions to games and pornography means that they are more often than women absorbed in the ersatz world of the Internet. Consequently, they cannot move in the real world or build satisfying bonds, and school and work bore them. According to this theory, spending time in the Internet world of pornography websites and games weakens communication competencies.⁵ This is then reflected in the actual decrease in the presence of men in the public sphere and weaker skills at both the social level and the biomedical functioning of the male body. Masculin-

⁴ P.G. ZIMBARDO, N.S. COULOMBE: *Gdzie ci mężczyźni?*...

⁵ Ibidem, pp. 11–17.

ity turns out to be the element weaker than femininity, which is visible in the following areas:

- Males achieve worse results in learning than females at all stages of education (they more often have school problems and fail to pass their graduation examinations);
- Females are more often active socially (the student government, associations), whereas males more often attend leg-up classes;
- General obesity of communities in the West is increasing, but in men it leads to decreased social and sexual activity (obese men have less testosterone);
- The West suffers from the lack of male role models, the cause and manifestation of which is the fact that 41% of children are nowadays born in single-parent families.⁶ This means that almost 50% of children are deprived of the male model from the very beginning. Additionally, the method of upbringing of present-day men resembles raising consumers (with the demanding attitude and weak psyche but without initiative) rather than bringing up responsible and active members of the society;
- Male fertility is on the decrease (the sperm count is too low in many men), which is the result of pollution of the natural environment (e.g., pesticides) and the impact of the technological environment (electromagnetic radiation from new technologies);
- Men are the weaker sex,⁷ because “they more often die from almost all main fifteen causes of death. The largest differences are recorded in the scope of diseases of the heart, suicide attempts and fatal consequences of accidents”⁸; and
- The chances are steadily falling for the man in the North Atlantic culture to achieve good education, buy his own apartment/house, have a well-paid job and, as a result, start his own family. The college fee in the USA has increased sixfold over the last 30 years as compared with the annual household income (the fee in 1970 was equal to 5.5% of the annual income; in 2010 it was 33%). The cost of the house in 1970 was equal to 305% of the annual household income, whereas in 2010, it was as much as 552%. In the United Kingdom, the cost of the house increased from 282% of the annual household income in 1971 to 1000% in 2014.⁹

Many men have a clear problem with responsibility these days. They live in the optics of satisfying only their own needs. The use of pornography by men makes them ignore the necessity of investing in a permanent sexual relationship. They spend countless hours, at the expense of family life, celebrating infantile

⁶ Ibidem, p. 80.

⁷ See also A. GIDDENS: *The Transformation of Intimacy. Sexuality, Love and Eroticism in Modern Societies*, Stanford 1992, pp. 149–152.

⁸ P.G. ZIMBARDO, N.S. COULOMBE: *Gdzie ci mężczyźni?...*, p. 227.

⁹ Ibidem, p. 251.

entertainment, such as RPG games, paintball, angling (these having the nature of escape from home life, and not resulting from the right of a person to have free time), watching television, or following football games. The catalogue of modern absorbers of time and existential energy is continuously expanding. The spectrum of the entertainment offered by the modern culture is highly diversified and the reader can certainly add more items to the list. The characteristic feature of the described phenomenon is the true passion of the modern man with which he perceives these attractive and addictive pastimes.

Regarding one's manliness as a life task, mission, or social role has become archaism. What does it mean to be a man nowadays? How should one understand masculinity? Giddens aptly concludes that many men are unable to construct a narrative of self that allows them to come to terms with an increasingly democratised and reordered sphere of personal life.¹⁰

In the life of the male co-author of this book, three life choices were (in his opinion) truly male in nature, and they pose more and more problems for modern men. Two of them determined serious turning points in his life, and one is continuous and daily in nature. These included, first of all, the decision to formalise the relationship and start a family. Making this decision is increasingly difficult, as many men are no longer capable of making definite decisions, including these related to choosing alternative life paths, such as becoming ordained as a priest. Whatever the choice, we are all immersed in liquid modernity,¹¹ in which nothing seems to have permanent and immutable nature; everyone would like to "squeeze" the best out of life and taste everything. Another male choice, according to the subjective opinion of the author, is the decision to expand the family and have more children. This is another decision that would be problematic for a modern man. The weakening procreation motivation and the resulting population decline is now, especially in European communities, a serious fact, whose economic and civilisation consequences may prove disastrous.¹² The last of the choices regarded by the male co-author of this book as the essence of his own manliness is the daily invitation for children and wife to share the prayer. Observing this bonding ritual, clearly justified with the belief in God and the sense of obligation of accustoming children with the most important issues ("first things"),¹³ requires from a man perseverance, patience, and recognition of his own role and obligation of transferring the faith to the children. What is

¹⁰ A. GIDDENS: *The Transformation of Intimacy...*, p. 117.

¹¹ Z. BAUMAN: *Liquid Modernity*. Cambridge 2000.

¹² M. BERNASIEWICZ: "Rodzina w konflikcie normatywnych paradygmatów oraz nowych faktów społecznych." *Pedagogika społeczna* 2 (2015), pp. 87–100.

¹³ An interesting discussion on the cultivation of religious life in the family and the realisation of the idea of the domestic church (*Ecclesia domestica*) by lay Christians is presented by GEORGE WEIGEL in the publication *Katolicyzm ewangeliczny. Gruntowna reforma Kościoła w XXI wieku*. Kraków 2014, pp. 286–317.

masculinity for other modern men? The male identity narrations may be pluralistic in nature, but the true problem is the incapacity, some sort of crisis in the scope of creation of any male narration.

8.2. “The death of the father” in biographies of juvenile offenders¹⁴

Being brought up in an incomplete family is related to a higher probability of cognitive, emotional, and social problems occurring in the life of the person.¹⁵ As the majority of incomplete families are families of single mothers with children, one should suppose that some of these problems may result from the lack of the father in the upbringing process. A representative study of the American group of children between the ages of twelve and eighteen (17,000 children; the data have been weighted to make them nationally representative) showed that 40% of children living with single parents reported having been suspended from school, compared with 21% of children living with continuously married parents. Children in stable, two-parent families were also less likely to have engaged in delinquency (respectively 36.4% to 44.7%) or violence (respectively 36% to 44.1%), seen a therapist for an emotional problem (respectively 7.5% to 17%), smoked during the preceding month (13.4% to 22.6%), or thought about or attempted suicide (1.7% to 2.8%).¹⁶

If we agree with the opinions of Sigmund Freud, who placed the birth of the superego (conscience, the most important compass of life that determines the direction of moral choices) in the process of identification of the child with an important person, his or her world of values and standards, and if we assume that boys identify with fathers and girls with mothers, the lack of the parent of the same gender as the child's may cause disorders in his or her processes of identification and identity formation. It can secondarily generate problems with assimilation of the world of values and social roles.

The position of Erich Fromm, close to the views of Freud with regard to the strong sexual binarism of the human nature, emphasises the complementary nature of the feminine and masculine elements in the process of identity formation. According to Fromm, the mother's love has attributes completely different from those of father's love. The love of the mother is unconditional, continuous, and lifelong. We have many proofs that confirm the views of Fromm.

¹⁴ We refer here to the term used by Anthony Giddens, describing the phenomenon of frequent absence of the father in family life, in old times due to his going to war, nowadays as a result of such phenomena as workaholism, increased number of divorces and single parenthood, most often by women. A. GIDDENS: *Sociology*. Cambridge 2001, chapter 7.

¹⁵ See P.R. AMATO: “The impact of family formation change on the cognitive, social, and emotional well-being of the next-generation.” *The Future of Children* 15/2 (2005).

¹⁶ Ibidem, p. 86.

Notwithstanding the fact that some mothers can reject their own children, or even commit infanticide, it is the mother's love that is regarded as the strongest and most permanent feeling of all emotional reflexes known to mankind. Mothers are the majority of visitors to their sons in penitentiaries. The criminals, rejected by everybody when put to jail, are usually remembered only by their mothers. One may also add that this permanent nature of the mother's love creates immense authority and prestige of the mother in the prison subculture. The mother is the sanctity for inmates, and offending the mother is the worst slander that triggers the most sudden reactions in the inmates.

God in Judaism and Christianity compares his great love for humankind (Christianity) and the chosen people (Judaism) to the love of the mother. The Bible appreciates the permanence of motherly love and makes it the subject matter of analogy with the great love of God to the human being:

But Zion said, "The Lord has forsaken me, the Lord has forgotten me."
 "Can a mother forget the baby at her breast and have no compassion on the child she has borne? Though she may forget, I will not forget you! (Isaiah 49:14–15)

Fromm stated that the child is certain to be loved by the mother irrespective of his or her efforts. The love of the mother is passive, you do not have to do anything to be loved. The child is loved just because he or she is there. The love of the mother is not conditioned in any way. The love of the mother is happiness, it is peace, one does not need to win it, or to deserve it.¹⁷ The father, on the other hand, always loves for something, for fulfilling his expectations, for performing the duties, for being obedient.¹⁸ Both the loves, both elements, the masculine and the feminine, are equally necessary for the proper development of man. Every human being needs to be in contact with both forms of love. On one hand, he or she needs to be loved in any situation and "despite everything," but personal development demands that boundaries should be imposed on his or her actions by some persons and that directions should be given to provide the feeling of safety and to prevent complacency. This demanding form of love is, or at least was back in the 20th century, the domain of men. The father was the guarantor of order and the "enforcer" of penalties to which children were exposed by their negative behaviour. Most often it was the mother who reported the offences of the children to the father, as she traditionally had a better insight into the family life and the world of activities of the children. In Christian culture communities, the man is most of all indomitable in the fight for protection of the values (the Christ figure), and the woman is the tender mother (the Mary figure).

¹⁷ E. FROMM: *O sztuce miłości*. Trans. A. BOGDAŃSKI. Warszawa 1971, p. 52.

¹⁸ Ibidem, p. 56.

The child, especially in failure situations, needs the unconditional love of the mother. However, the road ahead, maturation, overcoming development crises, and making efforts would be difficult without putting conditions on love, without the threat of rejection, the guarantor and enforcer of which is/was (?) the father.¹⁹ The synthesis of these two loves constitutes, according to Fromm, the basis of mental health and maturity.²⁰ Fromm obviously emphasises that he is writing about perfect types in the view of Max Weber and does not assume each and every father and mother love in this way.²¹ Similar rules of human development are recorded by Philip Zimbardo and Nikita S. Coulombe, who indicate the unconditional love as the domain of women, leaving the love conditional on the actions undertaken by the child and successful achievement attempts to be the attribute of fathers.²²

The following part of this chapter attempts to demonstrate that the **lack of the father** in the upbringing of the child (his physical as well as emotional absence) leads to serious consequences in the moral development of children. On the other hand, the **presence of a criminal father** constitutes an equally strong predictor of juvenile delinquency. The experience teaches us, as John Paul II observed, that the absence of the father causes destabilisation of mental and moral balance as well as major difficulties in family relations. However, under different circumstances, the overwhelming presence of the father, especially where the “machismo” phenomenon is prevalent, that is, misuse of male rights, leads to equally negative consequences, as it humiliates the woman and does not allow healthy family relations to develop.²³ This remark of the quick observer of family life, a saint of the Catholic Church for some time, appears to be exceptionally accurate. This dichotomy of absence of the father *versus* his dysfunctional presence constitutes the framework of the content of this part of the book.

The quoted empirical data related to fathers of juvenile offenders come from the personal files of juveniles in custody of juvenile detention centres (*zakład poprawczy* – ZP) and juvenile shelters (*schronisko dla nieletnich* – SdN). The documentation collected in these files comes from competent services (social employees, carers, and psychologists) who collected these data over many years, because the juveniles were objects of many social reactions, local interviews, and various diagnoses (e.g., social, school, and specialist) since the time of the first

¹⁹ Cf. K. POSPISZYL: *Ojciec a wychowanie dziecka*. Warszawa 2007, pp. 26–32.

²⁰ E. FROMM: *O sztuce miłości...*, p. 58.

²¹ Ibidem, p. 54.

²² P.G. ZIMBARDO, N.S. COULOMBE: *Gdzie ci mężczyźni?...*, p. 95.

²³ JOHN PAUL II: *Apostolic Exhortation Familiaris Consortio to the Episcopate, to the Clergy and to the Faithful of the Whole Catholic Church on the Role of the Christian Family in the Modern World*, 22 November 1981, paragraph 25; http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html

childcare problems in their lives. Along with the detainee, the juvenile detention centre receives from the court a set of information concerning his or her family and history. The attentive reading of each file provides a good image of the environment of the juvenile offender since the time of prenatal development (whether the mother was smoking or drinking when pregnant), through the birth information (the Apgar score), school background, and the socioeconomic status of the family (SES), to the description of parental attitudes and the criminal background. ZP and SdN facilities, with the collected information about the juveniles, are restricted-access rehabilitation facilities. In the Polish system of delinquency prevention, they are the most radical measure applied to the juveniles who commit criminal acts. This measure is called “correction” in Poland, to distinguish it from considerably lighter pedagogical means (admonition, probation officer supervision, or placement in more open caretaking and pedagogical facilities of rehabilitation type). The documentation was examined during the period from 2010 to 2012 in four ZP and SdN facilities (Zawiercie, Pszczyna, Racibórz, Koronowo). The analysis covered 60 files. The biographies of 26 males (Pszczyna, Racibórz) and 34 females (Zawiercie, Koronowo) were studied. The presented fragments were only marked with the ordinal number, which denoted broader characteristics of a given person, as stated in the Appendix.

The studies presented below are aimed at showing the presence and the quality of the male model of the guardian in the life of juvenile offenders. Irrespective of the childcare inefficiency of the families of the analysed juveniles, resulting in their periodical stays in various caretaking facilities before being placed in ZP or SdN facilities – as another study has shown that over half of the ZP and SdN juveniles were previously placed in caretaking facilities due to childcare inefficiency of their parents²⁴ – one has to conclude that the subjects have some male guardians (fathers or stepfathers) who are husbands or cohabitantes of their mothers. Only one boy out of 60 subjects was placed directly in a childcare facility when he was six months old, starting his life path along various institutions before he was placed in the ZP.

Kazimierz Pospiszyl reported an interesting psychoanalytic view of a boys’ rebellion in the biography of juvenile offenders who, speaking metaphorically, “had a father who went out to buy cigarettes or a newspaper and has never been heard of again. The boy’s rebellion in such situations usually comes from two sources: first, the boy’s behaviour is a signal that he needs a ‘heavy hand’ in his surroundings. Secondly, that lack of the said ‘heavy hand’ opens the dam of all

²⁴ M. NOSZCZYK-BERNASIEWICZ: “Kto jest moim tatą? Kto jest moją mamą? – multistruk-turowość rodzin pochodzenia nieletnich z zakładów poprawczych i schronisk dla nieletnich.” In: *Współczesne uwarunkowania i wzory procesów resocjalizacji, reintegracji, inkluzji*. Eds. K. MARZEC-HOLKA, K. MIROSLAW-NAWROCKA, J. MOLEDA. Warszawa 2014, p. 533.

kinds of aggressive and arrogant forms of behaviour.”²⁵ The disappearance of the father from the life of his children has at least four causes in our times. Most often, the absence is caused by abandoning the family or divorce, the death of the father, going abroad to make money, or being placed in a penitentiary. All these four causes resulted in 44 fathers (73.33%) of the analysed population, that is almost three-quarters of male guardians, disappearing at some time from the life of the juveniles. In other words, 44 juvenile offenders (73.33%) experienced a loss of the father in their lives.

As regards the detailed analysis of the causes of the loss of the father (n = 44, 100%), abandoning the family by the biological father was the most frequent cause, with 29 cases (65.91% of all causes of the loss of the father), as presented in Table 1. Such abandonment, not rarely occurring along with a formal divorce, occurred most often in the first months of the life of the child (12 cases). If one adds two cases of juveniles whose fathers have never been known (the mothers did not disclose their details) and two subjects who lost contact with the father in the first month of life as a result of death of the father (two cases), one arrives at the total of 16 subjects (26.67% of the analysed population) who have been deprived of the direct relationship with the biological father since the very beginning of their life. In conclusion, the current results of the study show that three-quarters of the subjects lost contact with the father at some stage of their life, and one-quarter of all the subjects experienced this loss within the first 3 years of their life, which justifies the statement that they have never had any chance to meet their fathers.

TABLE 1. The causes of the father “dropping out” from the family system of the subjects (n = 44, 100%)

Cause of absence	Number of fathers	
	n	per cent
Abandoning the family (divorce, moving out)	29	65.91
Death	7	15.91
Placing in a penitentiary	3	6.82
Court decision on deprivation/limitation of custody and/or contact with children	3	6.82
Father unknown	2	4.54
Total	44	100

SOURCE: the authors' research.

As it is demonstrated in Table 1, abandoning the family/divorce was ranked first among the causes of the loss of the father in the analysed documents. The breakdown of a formal or informal family resulted in the biological father leaving the

²⁵ K. POSPISZYL: *Ojciec a wychowanie...*, p. 81.

family in 29 cases (48.33%) of the total population of the subjects. Abandonment/divorce constitutes almost 66% of all the causes of the father “dropping out” of the family system (Table 1). Another cause was the physical death of the father, as a result of which seven juveniles (11.67% of the analysed population; 15.91% of all causes of the loss of the father) lost the natural male guardian. The average age of the juvenile at the time of the death of the father was five years. In two cases, this death was related to criminal activity of the fathers. One of them died in a street fight, the other was a member of an organised criminal group and was murdered in mafia warfare. Other causes that eliminated the father from the family system included court interventions (in the form of the incarceration and depriving the father of the right to bring up the children), as a result of which 6 subjects lost fathers (10% of all subjects and 13.64% of all causes of the loss of the father).

The presented data show that only one-fourth of juvenile offenders (16 persons, 26.67% of all subjects) were brought up in the presence of the father before being placed in a ZP or SdN facility. However, only one of the fathers of this 16-person group of male guardians may be considered capable of living in harmony with his wife and presenting a positive upbringing style:

The parents of the juvenile do not abuse alcohol, both are employed . . . The juvenile had very good conditions at home for learning and rest. The father set demands, marked boundaries, required the juvenile to observe them. The mother was more liberal and permissive. . . . The available data show that social pathology phenomena are not recorded in this family, neither parent was sentenced by court or abused alcohol. The relations of the parents are rather harmonious. (No. 57)

It is noteworthy that it is **the only father (!) in a 60-person group of the subjects who was not sentenced by court, did not abuse alcohol and exhibited commitment in the upbringing of his child, all at the same time** (see Appendix). The other 15 fathers who lived in the same place with the juveniles until their placement in a ZP or SdN facility were not capable of providing good upbringing conditions. As many as 12 of them abused alcohol, six were sentenced by court, two were divorced, although still staying in the same household, seven demonstrated improper upbringing attitudes (lack of commitment to the upbringing and non-consistent punishing/rewarding), and five committed physical and/or psychological violence against the children and/or the spouse. Therefore, even though a juvenile did not lose his or her father as a result of abandonment, death, or penitentiary isolation, in the studied group his presence was dysfunctional. One may even risk a conclusion that absence of the father from these families would not have had a more de-socialising impact on the young people than his actual presence in the form reported in this study.

Emotional absence of the father and all distortions of the male figure (such as violence and addiction) may be called “the death of the father”; annihilation of the male element expected from the traditional male model who fulfils his economic (earning money), social (upbringing) and mental (supporting his wife and children) functions. The following are some selected characteristics of the destructive father figure who did not face up to the expectations of his children. Only 16 fathers out of 60 male guardians had stayed in contact with the juvenile until he or she was placed in the rehabilitation facility. However, the presence of only one of them may be assessed positively. The descriptions of the remaining 15 cases are as follows:

The father abused alcohol, and was sentenced for driving under its influence. He practiced physical and mental violence against the family, which was the so-called family secret. The father was functioning in an informal relationship for some time. The juvenile’s stepbrother came from it. The juvenile does not know any more details about him. At present, the parents are formally in separation. In reality, they form a relationship. They live together. . . . Intensification of pedagogical problems with the juvenile was related to the deteriorating atmosphere at home. Severe punishing by the father, violence, fights between the parents. The apogee thereof was in 2008 when it was found out that the juvenile started smoking marihuana. The parents started testing him for drugs. There were fights at home. During one of them, related to truancy of the son, the father threw the juvenile out of the house. For about 10 days, the juvenile stayed in staircases. He started stealing. (No. 12)

The father bullied his daughter physically and mentally. He forced her to smoke, got her drunk with alcohol, took her to his colleagues’ parties, harassed her, did not allow her to contact the mother [emphasis by the authors]. *Despite long-term traumatic experience, the juvenile remained in the pathological family environment. . . . In July 2008, the juvenile, while intoxicated, 2.6 permille, dealt a knife wound to his chest. Due to this, she was ordered to be placed in a SdN facility. (No. 28)*

The mother filed a suit with the court due to alcoholism of the father and his harassing of the family. The family is considering eviction of the father from the shared apartment. It follows from the account of the juvenile that the disturbance in family relationships has been developing since about the time when she was 4 years old. The father did not try to have a permanent job, was supported by his wife, abused alcohol, bullied the wife and children mentally and physically. . . . The absence of the juvenile from school was caused by illness or protecting the house against the father. . . . She has little criticism towards herself, tries to blame others for her actions, mostly the father. . . . She would like to return to a peaceful house, under care of the mother, away from the father. (No. 33)

The father shouted at the juvenile for her not learning, improper behaviour at school. In the past, he sometimes gave her a good hiding for this. At present he has become neutral, does not interfere, because the juvenile does not want to talk to him at all. (No. 40)

Similarly, many of the remaining 44 fathers in the group who “dropped out” from the family system at some stage of life of the subjects demonstrated attitudes to the family similar to the above presented. Out of 44 fathers who may be called “absent” (n = 44, 100%), as many as 27 (61.36%) abused alcohol, 26 (59.09%) were sentenced by court, 26 (59.09%) demonstrated improper upbringing attitudes (lack of commitment to the upbringing and inconsistent punishing/rewarding), and 11 (25%) committed physical and/or mental violence against the children and the family.

On the basis of the data presented so far and the conclusions from them, one may construct a model of a criminogenic family: the family that is the optimum “nest” to “breed” future criminals. The central place of this model is occupied by the defected father (absent or dysfunctional in various ways). As is the case with any model, this one cannot provide details about all elements of the system that make it up. This deliberate reduction of the information is used to enhance heuristic usability. The planetary model of atom of Niels Bohr employed the vision of planets circling the sun to explain the structure of atom (electrons circling the nucleus of the atom), and the presented model of the defected father employs the vision of an absent and/or dysfunctional father to explain delinquency of juveniles. Without belittling the importance of other predictors in criminogenesis, such as a malformed bond with the mother, organic defects of the brain, school failures, the impact of peer subculture, etc., the father figure – identified by S. Freud and E. Fromm with the moral order – emerges from the collected data as the figure of deepest pathology and a strongest predictor of delinquency of his children.

8.3. Criminal activity of fathers in the biographies of juvenile offenders

The majority of juvenile offenders are males. The data of the Department of Statistics of the Polish Ministry of Justice show that males are the majority of the juvenile population in terms of both the manifested demoralisation symptoms (in the US, status offenses) and the attributed criminal acts (juvenile delinquency). In the years 2000–2012, males constituted: 87%, 86%, 85%, 83%, 82%, 82%, 81%, 80%, 78%, 77%, 77%, and 75.5% of the total number of juvenile offenders, and in 2012, 76%. The above regularity is explained by biological theories referring to the higher level of testosterone and aggression in men, as well as by cultural

theories that assert the violent nature of the male roles and the male socialisation. If crime has been the domain of men for ages, the modelling theory also sufficiently interprets the current overrepresentation of males in the population of juvenile offenders.

The main object of identification for boys are their fathers. The study of Tomasz Wach, which covered 69 juvenile perpetrators of crime, armed robbery and murder, who were placed in SdN facilities by court sentences, shows high conviction rate in parents of the subjects. 53.6% of the juvenile subjects declared presence of convicted persons in their families. The father was named most often (45.3%), then both parents (24.1%) and siblings (24%).²⁶ The delinquency of the fathers of the analysed females and males from ZP and SdN facilities is on a similar level. In the sample of 60 cases (100%), there are as many as 32 fathers (53.33%) recorded in the documentation who were previously convicted (see Table 2). One may expect that conviction rate is even higher, because 18 studied cases (30%) lack data in the documentation as regards the parents' criminal record. Only in 10 cases, a clean criminal record is explicitly reported (16.67%).

TABLE 2. Criminal record and alcohol abuse by fathers and stepfathers in the study

	Fathers (N = 60; 100%)		Stepfathers (N = 30, 100%)	
	n	per cent	n	per cent
Criminal record	32	53.33	9	30.00
Abusing alcohol	38	63.33	8	26.67

SOURCE: the authors' research.

Most often, the fathers were penalised for failure to pay alimony and for using violence against the family. In the Polish law, these actions are classified as crime against the family and guardianship.²⁷ This type of violation of the law may be considered to directly harm the crucial basis of development of children, that is, the feeling of safety, love, respect, recognition, and autonomy of the child, without which it is difficult to imagine a normal psychological and social development of a young person.

²⁶ T. WACH: *Resocjalizacja nieletnich sprawców gwałtownych czynów zabronionych*. Lublin 2009, p. 223.

²⁷ The Act of 6 June 1997, the Penal Code (Dz.U. [Journal of Laws] of 1997, No 88, item 553). These offences are defined in Chapter XXVI Offences against the Family and Guardianship, in particular, in Art. 207 § 1. "Whoever mentally or physically mistreats a person close to him, or another person being in a permanent or temporary state of dependence to the perpetrator, a minor or a person who is vulnerable because of his mental or physical condition shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years." Article 209 § 1 reads: "Whoever persistently evades the duty imposed on him by law or by a court judgement to pay for the support of a next of kin or other person and exposes such a person to a situation where they cannot satisfy their essential needs shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years."

Experiencing violence by children from their fathers directly disturbs their psychological and social development in the earliest stages of life. According to the theory of Erik H. Erikson, mental traumas based on violence make it difficult for children to handle natural development conflicts that are inevitable for everyone.²⁸ At the first stage of development, the conflict arises in forming trust towards the world or – in the case of negative elimination of the conflict as a result of improper socialisation conditions – distrust. The accumulation of traumatic experience by the child will shape his or her distance to the world rather than any positive attitude, hostility rather than openness. Overcoming individual development challenges (acquiring the feelings of autonomy, identity, etc. in consecutive stages of development) demands the proper attitudes on part of the closest surroundings. The appropriate balancing by the parents of two pedagogical procedures, social training (setting boundaries for the child, handing down standards, and systematic familiarisation of the child with specific actions) and, on the other hand, training of autonomy (consent to experimenting and making errors by the child) are the recipe for a successful parenting process. The objective of this process is, on the one hand, a human being living in harmony with the environment and the axionormative system of his or her culture, and, on the other hand, a person who is autonomous and satisfied with his or her life choices. Neglecting, physical and mental violence used against children and partners, and failure to provide for the family are the most frequent causes of penalties for the fathers in our own studies. Bringing up children under such conditions is the shortest route to criminal activities (desocialisation). Such fathers lose the sense of authority with their children, at the same time demonstrating negative behaviour patterns. Experiencing frustration from persons who are most important for them, children very often are not prepared to expect any positive behaviour in other people. They lose trust in the world of adults. If the parent let them down, why should they trust anyone?

When fathers (and mothers) experience parenting failure and children are placed in closed rehabilitation facilities as deeply demoralised (depraved) individuals, paradoxically, there is still in these young people the yearning for a strong, emotional bond with the parent (father, mother, any substitute, as in the example of the stepfather described below); the need of the bond remains that, if not fulfilled, will persist throughout the life. Katarzyna Schier, on the basis of her own clinical trials and deep knowledge of the psychodynamic theory, argues that a person who in early childhood did not have a relationship with carers who were “good enough” will have the sense of major lack throughout his or her life.²⁹

²⁸ Cited in K.J. TILLMANN: *Teorie socjalizacji. Społeczność, instytucja, upodmiotowienie*. Trans. G. BLUSZCZ, B. MIRACKI. Warszawa 2005, pp. 191–202; J.M. STANIK: *Psychologia sądowa. Postawy, badania, aplikacje*. Warszawa 2013, pp. 44–48.

²⁹ K. SCHIER: *Dorosłe dzieci. Psychologiczna problematyka odwrócenia ról w rodzinie*. Warszawa 2014, p. 118.

The emotional situation of juvenile offenders is well illustrated by the following excerpts from their records:

*The father of the juvenile is abroad. He rarely contacts the family. He does not want to see his daughter. The mother declares that he has rejected the juvenile and is not interested in her. . . . The relations of the parents have not been harmonious for many years due to frequent fights and violence used by the father at that time against the other members of the family. The juvenile reports that the police intervened several times in their place for this reason. . . . **She found emotional support, understanding and the feeling of safety in the person of the mother's cohabitee, who tragically died soon afterwards. . . . she went through the death of the mother's cohabitee in a special way, as she felt close to him and considered him to be a member of the family. She expresses conviction that he was the only person who had been sincerely interested in her life, who cared about her good.** His sudden passing away disturbed her feeling of safety, caused instability and became the source of negative reflection on the sense of commitment to relationships with other people. The juvenile expresses conviction that avoidance of attachment to anyone will prevent her from being hurt in the future. She is mad at her mother's meeting another guy, not accepted by her. She is angry when talking about his trying to father her and her brothers. She believes that he is not entitled to this. She cannot agree with his attempts at taking the place of her mother's tragically dead cohabitee. (No. 35)*

*The girl does not have mental support from her closest relatives. She often experiences the feeling of loneliness, being left alone. Her relationships with the father are abnormal. The juvenile idealises his figure, defends him, suppresses any negative memories about him, such as abuse of alcohol, violence. She would like her dad to spend more time with her and maintain frequent contact with her. The father visits the juvenile irregularly. He rarely calls her. Now he is sentenced to imprisonment for harassing her older sister. He is probably hiding away from the police. . . . The contacts with the father are more frequent now. He shows interest in her fate, disciplines the daughter, inquires about her behaviour, tries to help improve it. He sends packages with food. **The juvenile has a very positive attitude to the father, obeys him, seeks his advice, the positive bond connecting her with him is visible.** (No. 45)*

The juvenile does not assess the relationship of the mother with the father positively. . . . There were quarrels and fights between the drinking partners. At times, they were very violent, including fisticuffs and pulling each other. The mother of the juvenile was beaten by the cohabitee. The juvenile witnessed this situation. During the relationship with the father of the juvenile, her mother considered splitting up several times, but it did not happen. She states that she was afraid of being alone and that she would not handle the children herself. Despite the fact that she admits that the father never participated in the parenting process. She could not count on his support or help. He was not interested in providing for the basic living needs of the children. He never showed any commitment to

*their life. He spent his time mostly on watching TV, and upbringing the children and organisation of household life always remained with her. As the father of the juvenile never contributed to the household budget, he did not care about daily expenses, so when the juvenile and her sister were small, the mother filed an alimony suit. The father of the juvenile never paid alimony. . . . **The juvenile has now only accidental contact with the father. However, the mother feels she misses him. She would like him to come back home, but she understands the conditions determining the mother's decision and accepts it.** (No. 54)*

The juvenile subjects do not lose hope, as the quoted fragments prove, that a positive change still can occur in their lives. They do not lose hope that the behaviour of their fathers will change and a healthy relationship will emerge. They miss such a bond while still in rehabilitation facilities where they are placed, and despite many failures experienced in their relationships with the parents. This longing does not bring anything good into their lives because it is a hopeless expectation, without any chances to be fulfilled. Fulfilling these longings is in the hands of the dysfunctional fathers, who do not want to become or, even more often, simply are not capable of becoming responsible carers. The desire to have good contacts with parents (with the father) is quite often a burden that paralyzes autonomy of the juveniles who experience this feeling. It constitutes some sort of developmental barrier for the children who – emotionally injured by their parents, unable to live up to their parental role – are not capable of pursuing their own life goals.³⁰ The subjects' way of thinking is "imprisoned" in their family home; the juveniles still mention their parents and live with their home problems (such as poverty, addictions, and violence between family members).

³⁰ In other studies by Maciej Bernasiewicz, one of the therapists characterises the difficult situation of such children as follows: *There comes a time when many of us, even 'normal' people, are so strongly entangled in dependence on the family that we cannot move forward. There was no-one, e.g., a therapist, someone friendly to show some ways out, and some histories are often dragged along. Someone to help throw away this burden, to convince the child that he or she is not responsible for his or her family, that it is not his or her fault that the father is drinking heavily We wrestle with such questions when to stop deluding the child that things are not the way they are. The dilemma is when to do this. As age is not any guideline, emotional maturity is the indicator. I do think, however, that there is something to the age of, it is hard to define, 13–15 years; at that time kids in fact very realistically have their feet on the ground, and the question arises whether one has to continue one's resentment, grudge, and expectations towards those things which one cannot fulfil, that is to sustain the belief that the parents provide support, if they had not been giving it for 13, 14 years, if one could not count on them The question is when to show to the child, you know, 'you can drag this burden along, but the question is whether it is not good to look at what you can really have effect on. You cannot have effect on your father, you cannot have effect on the mother, but you can have effect on yourself, on how you decide about yourself, and this is, this is a lot. Many things depend on you.'* See M. BERNASIEWICZ: *Interakcjonizm symboliczny w teorii i praktyce resocjalizacyjnej*. Kraków 2011, p. 74.

Special mention should be made of the phenomenon of modelling delinquent behaviour by fathers. It turns out that the fathers in the presented studies rarely familiarised their children with criminal practices. Our own analyses do not confirm the theory of Edwin H. Sutherland,³¹ for whom criminal behaviour was normal and acquired. For this famous American criminologist, learning criminal behaviour occurs during interaction with other persons. Specifically, it evolves in the communication process in primary groups (the family, the neighbourhood, and peer groups). Crime in the life of the juvenile subjects appears rather as the result of difficult parental conditions (violence in the family, addictions, absence of the father, and poverty) than as the result of training in a criminal school, with the criminal father as the teacher. The factor of risk is the lack of any communication with the father rather than his teaching the children strategies and techniques of effective breaking of the law. The personal files provide straightforward information that what we face is aversion to the criminal lifestyle of the father manifested by the subjects rather than some affirmation of their existential attitude:

Some time ago, the father of the juvenile was released from the penitentiary and his contacts with the juvenile have become more frequent and relatively proper. They have become considerably worsened within the last year. They do not meet any more. The juvenile dryly said that he was not interested in his father, he was not interested in what the father was doing, how his life was going on. He does not give any causes of this situation. Apart from the statement that the father is drinking a lot. (No. 9)

The father is doing time for a murder. . . . The juvenile says about him: 'I am not interested in the father at all and I don't want him to interfere.' (No. 23)

It is difficult to imagine how such a school of crime could possibly function when the teacher is continuously absent. As it has been stated in the previous subchapter, almost three-quarters of the fathers “dropped out” of the family system in the early period of life of the juvenile subjects (44 fathers, which is 73.33% of all the fathers). This means that the father was absent in three-quarters of the cases. The exception is one special case that proves that the modelling influence may persist despite the absence of the modelling person. It is an example of fatherly modelling that continued even after the death of the father. One of the subjects lives the legend of his criminalist father (the juvenile was 6 years old at the time of the death of the father):

The juvenile certainly has not accepted the death of the father, who was the model for him. In the opinion of the probation officer, juvenile is vaunting that

³¹ Cited in A. SIEMASZKO: *Granice tolerancji. O teoriach zachowań dewiacyjnych*. Warszawa 1993, pp. 91–108; B. HOŁYST: *Kryminologia*. Warszawa 1994, pp. 419–420.

his father was a soldier in the mafia. . . . The father died in 1999 as a result of homicide. This was mafia warfare. This issue was broadly reported in the media.
(No. 4)

Pope Benedict XVI, commenting on the the Lord's Prayer, stated that fatherhood is in crisis these days. "For the present-day man, this great solace that comes from the word 'Father' is not always felt because he does not have the father's experience, often or not at all, or it is dimmed by default of the fathers,"³² If we analyse the fatherhood experience of the juvenile criminals that they have brought out from their family home, then the crisis of the role of the father will appear in all sharpness. The study of 120 juvenile offenders conducted by Małgorzata Sitarczyk shows that over half of the fathers abused alcohol, one third was convicted, and 80% had bad or very bad financial situation. Additionally, in the perception of juvenile offenders, their fathers featured helplessness in handling stress and life crises, pessimism, hostility against others, and the attitude of withdrawal.³³ Apart from criminal record, abusing alcohol by fathers was especially frequently recorded in our own research. This was the case with 38 of them (63.33%) (see Table 2). There is no need to point out the harmful effect of alcohol abuse on family life and socialisation of children here, as the relationship between alcoholic intoxication on the one hand and a criminal record, family breakdown (divorce) and violence on the other is amply proved. Almost half of crimes are believed to be committed under influence of alcohol. The negative effect of alcohol abuse by the studied fathers on their non-presence in the family and dysfunctional presence is confirmed with the following fragments from the studied files:

The father abused alcohol. The juvenile reports that the relationships with the father are not best really. It follows from the report from the community interview that the divorce was caused by alcoholism of the father, lack of respect for the mother, that the father did not participate in the parenting process of the son and is now strongly conflicted with the family. . . . When intoxicated, he disturbed peace and atmosphere in the family. The children witnessed fights and police interventions. The father was not able to make contact with the children, did not talk to them. When intoxicated, he used to "discipline" the juvenile. He pulled and pushed him, shouted, used vulgar language, and was aggressive also towards the wife when she wanted to help him and motivated him to start detox treatment. . . . He has not been working for a year. He was dismissed for disciplinary reasons for abusing alcohol. (No. 5)

The father used to beat the mother and children, tried to strangle her, burnt her with a cigarette, humiliated and intimidated. The juvenile many times spent

³² J. RATZINGER/POPE BENEDICT XVI: *Jezus z Nazaretu*. Wydanie ilustrowane. Kraków 2008, p. 166.

³³ M. SITARCZYK: "Ojciec w percepcji nieletnich sprawów przestępstw." In: *Przestępczość nieletnich*. Eds. B. GULLA, M. WYSOCKA-PLĘCZYK. Kraków 2009, pp. 162–164.

nights away from home in fear of the drunk father. . . . After the fight in which the mother was stabbed by the father with a knife, the children were taken away.
(No. 29)

Unfortunately, the alcohol abuse problem applies also to stepfathers (eight cases, 26.67%), with a high level of conviction rate featuring among them as well (nine cases, 30%) (see Table 2). The issue of stepfathers (cohabitees, foster and adoption fathers, and husbands in reconstructed families), is also an important factor in the criminogeneity. Their role is important, because their appearance in the life of a family with a strong history of the destructive biological father creates a chance for compensation of the defected male element. On the other hand, it is a moment related to another risk of negative interaction on the part of another man.

The role of stepfathers in the analysed socialisation processes of juvenile offenders discussed here, shaping proper axionormative motivation in children, is difficult to clearly assess due to non-uniform attitudes presented by the stepfathers in the life of the subjects. Half of the analysed families (30) had stepfathers. In the case of seven stepfathers, no information was found in the documentation about attitudes towards stepchildren. The diagnosis thus covered 23 stepfathers (shown as 100% in the following analyses). Most often they were cohabitees of the mother, entering the family after the biological father had abandoned it. The subjects included also foster parents taking over care of the juveniles at the time of loss of custody by biological parents (as a result of negligence and violence).

TABLE 3. The attitude towards the stepchild (n = 23, 100%)

Attitude of the stepfather	Number of cases	
	n	per cent
Mutual acceptance	11	47.83
Lack of acceptance on the part of the stepfather	6	26.09
Lack of commitment on the part of the stepfather	6	26.09

SOURCE: the authors' research.

Table 3 shows that more than half of the stepfathers (12 men, 52.18%) had a negative attitude towards the children (lack of acceptance or commitment). Thus, a large part of the group of juvenile offenders analysed here, who apparently had very difficult relationships and memories related to their biological fathers, faced the necessity of spending life with other male carers who did not have positive feelings towards them. Six stepfathers (26.09%) did not accept their stepchildren, and another 6 (26.09%) manifested withdrawal from parental issues and problems created by the juveniles. At times, lack of commitment on the part

of the stepfathers was a certain escape from problems created by the juveniles, the problems which cohabitees were not able to handle (which was not the case with fathers enjoying a higher degree of authority). Some stepfathers withdrew to defensive positions without triggering deviation behaviours. However, addiction and recurrent use of violence accompanied this phenomenon, just like in the case described below:

The mother with the stepfather were not able to properly manage upbringing of the daughter, stimulate her development. Concentrated on themselves, they were not inquiring into key needs of the juvenile. They did not show interest in the daughter and the way she spent free time. They did not motivate her to reliability, they did not satisfy her mental needs: love, closeness, acceptance, support, safety. They turned out to be immature persons, irresponsible and pedagogically inept. . . . The juvenile was brought up at home by the mother and the stepfather. She assesses parental atmosphere as good. She reported, however, that recently, for about 6–7 years, the situation has deteriorated. The stepfather was drinking a lot. There were fights, fisticuffs and police interventions at home. (No. 32)

It is interesting to note that in some cases (five stepfathers, 21.74%), the attitude of lack of commitment or lack of acceptance is accompanied by hostility on the part of the juvenile. It is difficult to determine whether lack of friendliness on the part of the stepfather is the result of the earlier hostility demonstrated by the juvenile towards him, or whether the negative attitudes of the stepfather provoked hostility of the stepchildren. Some cases are clear, however, in which aversion of the juvenile obviously results from pathological behaviour of the stepfather:

The cohabitee of the mother, 56, primary education, abuses alcohol, smokes, was sentenced in the past, according to the juvenile. The juvenile defines the relationships with the cohabitee of the mother as very bad: "I fight him and I will be fighting him to the end of life". . . . The cohabitee of the mother had little access to his life. He was not interested in him, he was and still is in very bad relationships with the juvenile. He did not feel responsible for parenting problems caused by the juvenile. At present, the carers are not interested in his life at all. There is no-one in the family environment of the juvenile who could positively inspire a change of his behaviour. (No. 7)

The juvenile stabbed the cohabitee of the mother. The juvenile says that if the situation at home is not OK, he will teach him a lesson when he is back from the juvenile detention centre. (No. 23)

The cohabitee of the mother has never adopted the juvenile, does not have parental responsibility. . . . The stepfather is not any authority for her. He is an intruder in her eyes. . . . The juvenile is alternately negative and neutral towards

the stepfather. She states that he does not take part in the process of her upbringing. Everything is done by the mother. The stepfather occasionally supports the position of the wife. . . . During the first years of life, the bonds of the juvenile with the mother were exceptionally strong and positive. Concentration of the mother serving the daughter's needs, undisturbed with anything, allowed the subject to create the conviction about inseparability and difference of their family tandem from others. Weakening the strong emotional bond between them occurred along with a partner coming into the life of the mother. This initiated the feeling of rejection in the juvenile and contributed to weakening of the parent image as the most important person, the closest one, who guarantees safety, unconditional love, acceptance and the feeling of value. Reconstruction of the family and coming of the stepfather home was perceived by the juvenile as another stage of rejection. (No. 31)

Abusing alcohol and deviant behaviour of the stepfather are not necessarily the grounds of hostility of stepchildren. There are cases when the stepfather did not abuse alcohol or was not a convicted person, but building a positive relationship by him with the juvenile proved to be too difficult. Two out of three of the above described fragments refer to stepfathers who had not been convicted or had not abused alcohol. All in all, conviction rate or alcohol abuse by stepfathers were not recorded in four out of five most conflictual relationships occurring between the stepfather and the juvenile. The determinants of mutual aversion were thus not manifested in any reprehensible attitude of the stepfather, but rather in the general lack of trust and liking of the "intruder" who violated domestic peace (in the words of the juvenile, fragment No. 31).

There was a large group of stepfathers whose attitude was appreciated by the juveniles, for whom the juveniles had warm feelings: these were 11 cases (47.83%). For two subjects, this was not a major problem because the stepfather was in fact permanently away from home, working abroad (No. 1, No. 43). Indeed, good feelings are easiest to declare towards those who are not in one's immediate surroundings: these persons are never "in one's way." The total of 11 juveniles positively viewed their new carers. Two of them called the stepfather "dad" (No. 16, No. 43), and one was on first name terms with the stepfather (No. 24). Unfortunately, good relationship with the stepfather does not guarantee good mental representation (model) of the male carer, mostly because all the juveniles remember unpleasant experiences from the past related to the biological father. Among the 11-person group of the juveniles with good relationships with the stepfather, as many as two were previous victims of violence in the family from the biological father (No. 1, No. 25), while the remaining nine experienced abandonment by the biological father, most often in a very early stage of their life. Moreover, a good relationship with the stepfather had short-term nature for some juveniles, sometimes suddenly broken by the natural death of the "positive" stepfather (No. 9, No. 35). Sometimes this relationship was good, but it was

not easily available due to the stepfather staying abroad (No. 1, No. 43). In one case, the bond assessed by the juvenile as good ceased to exist as a result of the stepfather abandoning the family (No. 43). Taking these circumstances into account, only seven juveniles remained in a permanent, good relationship with the stepfather (No. 16, No. 22, No. 24, No. 25, No. 44, No. 50, No. 59) before being placed in a facility.

As it has been shown, crisis in the family resulting from the male inability to be a constructive father is a clear predictor of delinquency of juveniles. Unfortunately, the defective parental attitude is not only the domain of men, which is why the following chapter is dedicated to the description of both father's and mother's parental attitudes as perceived by the juvenile offenders from ZP and SdN facilities.

CHAPTER 9

Parental attitudes and crime

In addition to the destructive influence of the social environment (e.g., districts of poverty, high unemployment, and the presence of delinquent peer groups) and the dysfunctional features of the family per se, and its deficits (single-parent families, especially broken families, reconstructed families, and families with the problem of addiction, penalisation, or low income), conduct disorders of children and adolescents may be created in the space of interpersonal relationships. It is exemplified by two-parent and well-off families living in economically privileged suburbia, where indications of antisocial disorders among children are also found. On the other hand, good relationships within the family have the power of protecting against the negative impact of the outside-family environment. Avoiding or rejecting the child belongs to the factors correlated with later criminal behaviour more strongly than other types of parental attitudes, or even imposing corporal punishment.¹

Emotional rejection that the child experiences from the *significant other* is a common mechanism for the formation of their deviant motivation. Very characteristic of the initial phase of “becoming” an antisocial person are: a sense of rejection and the lack of emotional support, the lack of parental love, not expressing feelings, the lack of interest in the child’s affairs resulting in their reactions of rebellion, contradictiveness, malice and a gradually exhibited hostility towards selected individuals.² The theory of symbolic interactionism explains in detail,³ like no other sociological theory, the way people gather social stock of

¹ M. RADOCHOŃSKI: *Osobowość antyspołeczna*. Rzeszów 2009, p. 87.

² L. PYTKA: *Pedagogika resocjalizacyjna. Wybrane zagadnienia teoretyczne, diagnostyczne i metodyczne*. Warszawa 2001, p. 92; A. STANKOWSKI: “Indywidualne ‘ścieżki’ rozwoju moralno-społecznego a implikacje resocjalizacyjne.” *Chowanna* 2 (2006), p. 98.

³ G.H. MEAD: *Mind, Self, and Society*. Ed. Ch.W. MORRIS. Chicago 1934; H. BLUMER: *Symbolic Interactionism: Perspective and Method*. Berkeley 1969; S. STRYKER: “Traditional symbolic interactionism, role theory, and structural symbolic interactionism.” In: *Handbook of Sociological Theory*. Ed. J.H. TURNER. New York 2002, pp. 211–231; R. KELLER: “The Sociology of Knowledge Approach to Discourse (SKAD).” *Human Studies* 34/1 (2011), pp. 43–65.

knowledge and adopt meanings which precede and determine human behaviour. This process takes place not only as a result of adopting the social perspective (generalised other) by the person – which is the last stage of socialisation – but mainly because of the phase of observation of social roles performed by the people in the immediate surroundings. The internalisation of the value system and the rules of social life may also occur as a result of an accidental meeting that may turn out to be significant for the life trajectory of the individual. We are referring here to the contiguity and bonds with the so-called significant others. One of the most outstanding Polish writers of the twentieth century, wrote about this phenomenon in the following way:

man is being constantly created by humans. This vision (since it is not any philosophy) constitutes the starting point of my world: the world where man is linked with man; where man aspires to man; where man, being under a constant pressure from man, every now and then is created and processed; where actually it is hard to talk about a specific, static human being, and where rather ‘interpersonal’ tensions and intensities that define and determine us – the people – at any time, play a role. Herein, therefore, man is subjected to what is going on between human beings, and out of all the elements of nature, this element of interpersonal creation is the most forcible.⁴

Gombrowicz, as a supporter of symbolic interactionism, engages in polemic with the supporters of the theories locating the pre-origins of human behaviour in character, tendencies, and instincts:

and while you, allowing the influence of other people on man, express this influence in a rather abstract manner as the influence of the society, nation, environment, for me man is ‘determined’ and ‘created’ first and foremost in a particular, accidental contact with people.⁵

In the sphere of child’s identity and worldview, biological parents have a great creative potential. They are the first who provide meanings and indications relating to important objects of the social world, including the most important one for me, which is myself. As for juvenile offenders, their contemptuous attitude to education and honest work and their arrogant attitude towards public authorities (teachers, police, and parents) is conspicuous. Self-inflicted injury, suicide attempts, drugs and alcohol abuse also demonstrate the negative attitude of the individuals towards themselves and their need to escape from the negatively perceived reality. An attitude towards work, education, other people, law, and public property does not result from the concept that is immanent in these objects, but it results from the processes of interpersonal defining these objects.

⁴ W. GOMBROWICZ: *Trans-Atlantyk*. Warszawa 1986, p. 128.

⁵ Ibidem, p 129.

The question arises what engenders children's and adolescents' negative view of what the German philosophers called *Lebenswelt*. The first teachers and transmitters of linguistic and social capital to children are their parents. When they take too much for granted, when they treat social assistance as the only source of income, when they hold public institutions responsible for their social position, and when they have a hostile attitude to other people, it is them who automatically pass onto the children their own perspective – passive and hostile towards the outside world.

Most of all, however, parents are the source of specific social experience for their children; they are creators of their tastes and cultural preferences. The unconditional parental love begets in children a sense of security, and constitutes the force sustaining family integration. Children from such families willingly return home, are eager to share with their parents their concerns, fears as well as plans and aspirations. Children who perceive their parents as partners for discussion do not have to seek social recognition and affiliation in destructive reference groups. They do not need to experiment with identities by trying out different “alternative” lifestyles. Their self, built on the basis of respectful parental communication and friendly conversations, makes it possible for them to benefit from a rich reservoir of significant definitions (of themselves, of true values, and of socially shared cultural purposes), which they have been provided with by their parents. Such upbringing conditions are not conducive to the formation of antisocial behaviour in children. By contrast, a parent who avoids their child and does not recognise his or her needs, or, on the other end of the scale, is overprotective and deprives the child of freedom and autonomy, automatically “pushes” him or her towards other social groups, where he or she independently seeks fulfillment of important needs and confirmation of his or her self-importance and autonomy. The child functioning in such a family is gradually turning away from it, and directing his or her desires and expectations to the outside world, which is full of dangers (drugs, destructive peer-groups, street culture,⁶ and virtual reality⁷).

⁶ The so-called street culture is characteristic of children and youth who spend most of their time in the street environment of disadvantaged neighbourhoods. The street culture is created by particular norms and values, such as the necessity of being tough, respect for strength, and aggressive protection of one's own reputation. Following these norms results in violence, conflicts and tolerance for lawlessness and criminal behaviour. See: S. ZDUN: “Violence in street culture: Crosscultural comparison of youth groups and criminal gangs.” *New Directions for Youth Development* 119 (2008), pp. 39–54.

⁷ An increasing number of research demonstrates that the more often children and youth use the computer, the Internet, and television, the worse their educational achievements are, and the more likely it is that they will turn to addiction: M. SPITZER: *Cyfrowa demencja: w jaki sposób pozbawiamy rozumu siebie i swoje dzieci*. Trans. A. LIPIŃSKI. Słupsk 2013, pp. 64–85; S. PINKER: *The Village Effect: How Face-to-Face Contact Can Make Us Healthier, Happier, and Smarter*. New York 2014, chapter 7.

The authors' research on the juvenile offenders' perception of the parental attitudes was conducted in 2012 in three juvenile detention centers (a detailed description of the institution of a juvenile detention centre can be found in Chapter 13 of this study). The respondents at the age of 15 to 21 (most of them were 17 years old at the time of the study) answered questions concerning various components of parental behaviour, which they experienced from their mother and father. The study included a total of 63 females (30 persons from the juvenile detention centre [ZP] and juvenile shelter [SdN] in Zawiercie, and 33 from the ZP and SdN in Warszawa–Falenica), as well as 59 males (ZP and SdN in Pszczyna). Thus, questionnaires were filled out by 122 respondents. In the case of 38 respondents (23 females and 15 males), the obtained answers were not coded, as they revealed numerous inadvertencies pointing to an unreliable approach to responding to the survey. The rejected questionnaires usually came from respondents who had ticked only one answer regardless of the question. Ultimately, the responses from 84 respondents were analysed (Table 4).

TABLE 4. The final study group and the type of obtained questionnaires (N = 84).

PCR questionnaire	Surveyed females (n = 40)	Surveyed males (n = 44)	The number of parents by gender (N = 149)
Version for fathers*	31	38	69
Version for mothers*	38	42	80

* The number of filled questionnaires with versions for fathers and mothers is not equal because some subjects come from permanently incomplete families and were not able to recall the attitudes exhibited by the absent parent (most often it was the absence of fathers for the reasons dealt with at length in subsection 8.2).

SOURCE: the authors' research.

The survey tool employed in the study was the Parent-Child Relations Questionnaire by A. Roe and M. Siegelman. The most frequently described and employed version of this tool⁸ was introduced in Poland in 1974 in the translation and adaptation of Włodzimierz S. Kowalski.⁹ PCR consists of 50 statements in the version of "My Mother" and in a similar version of "My Father." These statements form 5 scales (10 statements each) which reflect five patterns of parental behaviour towards their child in the view of the child. These are: the attitude of Love – L, Rejection – R, Demanding – D, Attention – A, and Casual attitude – C. The basic criterion for this classification were the two basic dimensions of

⁸ See E. JAROSZ: *Wybrane obszary diagnozowania pedagogicznego*. Katowice 2004, p. 109; E. JAROSZ, E. WYSOCKA: *Diagnoza psychopedagogiczna. Podstawowe problemy i rozwiązania*. Warszawa 2006, p. 137.

⁹ W.S. KOWALSKI: *Kwestionariusz stosunków między rodzicami a dziećmi A. Roe i M. Siegelmana: podręcznik*. Warszawa 1983.

parents' behaviour, that is, coldness (the attitude of rejecting and demanding) and warmth (loving, casual, and protecting).¹⁰

Table 5 shows the number of the studied parents whose attitude towards the child in each category was perceived by the child as particularly intense. The obtained raw results were compared to the nationwide standards, which allowed carrying out a verbal appraisal of the studied parents within a certain attitude (e.g., the result of "very high" in the attitude of love means that the parents create "a warm atmosphere of love and devote a lot of attention to the child. They try to help the child in matters which are important for him or her, but at the same time they do not exhibit the attitude that indicates excessive interference. Mothers and fathers try to convince the child, use the method of persuasion and avoid punishment, which does not mean, however, that they do not use it at all. Parents praise the child, but do not favour him or her more than the other sibling. The child places trust in the parents and often asks them for help. The parents invite their sons' and daughters' friends to their place and try to make their time enjoyable. Encouraging the child to independence is another parental behaviour which is noteworthy.")¹¹

TABLE 5. Attitudes of the fathers and mothers towards the respondents (N = 149*, 100%)

Verbal appraisal of the attitude	Type of attitude									
	<i>Love</i>		<i>Demanding</i>		<i>Attention</i>		<i>Rejection</i>		<i>Casual</i>	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Very low	58	38.93	20	13.42	16	10.74	14	9.39	6	4.03
Low	35	23.49	20	13.42	22	14.76	23	15.44	17	11.41
Average	31	20.80	82	55.03	74	49.66	23	15.44	57	38.25
High	12	8.05	19	12.75	28	18.79	51	34.23	29	19.46
Very high	13	8.72	8	5.37	9	6.04	38	25.50	40	26.84

*Out of the questionnaires filled out by 84 respondents, the total numbers of versions for fathers and for mothers were 69 and 80, respectively, which makes 149 questionnaires (see Table 4).

SOURCE: The authors' research.

Analysing the first of the attitudes – **Love** – it is noticeable that the majority of the respondents' parents were given very low scores in this regard. This attitude has the lowest values both among the largest number of the fathers (32 cases), and among the largest number of the mothers (26 cases). Therefore, in total, up to 62.42% of the fathers and mothers (93 cases) behave – judging by the declarations of the surveyed young people – in a way that contradicts love (very low and low results). The very high results were achieved most of all by the mothers (ten

¹⁰ Ibidem, pp. 6–12.

¹¹ Ibidem, pp. 10–11.

persons), rarely by fathers (three people), which seems to echo Erich Fromm's statement that unconditional love is a trait characteristic, above all, of mothers.¹² Also, the empirical analyses by Mieczysław Plopa and a review of the research that he conducted confirm that in children's view, their emotional interactions with their mothers are much better than those with their fathers.¹³ To enrich the research perspective, in addition to the PCR questionnaires (in mother version and father version), the juvenile offenders were given the third tool for the purpose of the qualitative analysis (informal). It was the Sentence Completion Test (MOR version) by Ewa Wysocka. The test consists of 48 sentences (actually 48 stems – sentence beginnings), which are meant to be completed by the respondent. The sentences have been grouped into specific thematic clusters referring to: relations with mother (16 sentences), relations with father (16 sentences), and relations with family (16 sentences).¹⁴ The statements presented below concerning mother (number 4 of MOR test) and father (number 26 of MOR test) were obtained from the population of males in ZP and SdN in Pszczyna (44 respondents). They illustrate the difference in parental love, indicated earlier, in favour of mothers:

Mother *is the only one* (12 cases), *someone whom I respect, is a loving person* (2 cases), *is caring, I love her, is cool, is dead, mine, is the largest coxcomb throughout the city, is unknown, is mother, helps me in difficult cases, died* (3 cases), *is part of the family needed for upbringing, Jola* (and other names – 3 cases), *just superb, this person is not always loving, gave birth to me, is everything that is important to me* (3 cases), *is very good* (3 cases), *tries to ensure our safety, does not know me.*

When I'm with my father *we talk on various subjects* (6 cases), *I was scared, we have nothing to talk about, I do not know, it's cool* (3 cases), *I am glad, we watch Kubica's*¹⁵ *performances, it is good* (7 cases), *I'm not, he offers me alcohol, we drink* (3 cases), *then I get bored, then I get pissed off, we tell the truth to each other, we like to play football, I do not remember, he does not speak to me, I'm happy* (2 cases), *we talk about sex, most often he works, I feel proud and manlike.*

The frequency analysis shows that an explicitly positive reference to the mothers is exhibited by 28 respondents (underlined sentences), while to the fathers, by merely 23. The other statements are either negative (three statements referring to the mothers, eight to the fathers) or neutral. The most frequent descriptions of the mothers relate to their uniqueness and being extraordinary (*mother is the*

¹² E. FROMM: *O sztuce miłości*. Trans. A. BOGDAŃSKI. Warszawa 1971, p. 52.

¹³ K. PLOPA: *Psychologia rodziny: teoria i badania*. Kraków 2015, p. 289.

¹⁴ E. JAROSZ, E. WYSOCKA: *Diagnoza psychopedagogiczna...*, pp. 352, 423.

¹⁵ A Polish Formula 1 driver.

only one, is all that is the most important – a total of 15 respondents) and refer to their particular loving attitude (*loving, caring, helps me*). Despite the fact that father is the only one as well, he never merits such an outstanding definition. The juvenile offenders recognise, above all, the communicative function of their fathers (*we talk on various topics*) and their recreational function (*we like to play football, watch Kubica's performances*). First of all, the respondents appreciate the fact of the very presence of their fathers, which points to their minimised expectations of them, or perhaps to an inconspicuous presence of the father in family life, his mental and social withdrawal, a problem discussed in subsection 8.2 (fathers are simply *cool* or *when I'm with my father, it is good* – the presence of the father was described in this way by as many as 10 of the surveyed males). Many of the fathers appear as a risk factor in the biographies of their children (When I'm with my father... *I [am] scared, we have nothing to talk about, [he] offers me alcohol, we drink, then I get bored, I get pissed off, does not speak to me* – eight cases out of the 44 respondents).

Few mothers and fathers in the generational families of the surveyed juvenile offenders manifest an attitude of Love (attentiveness, assistance, tenderness). These results testify to the fact that the upbringing of the delinquents was lacking in the atmosphere of security, dialogue, and caring attention – a psychological and social factor that is important for the development. While there were minor differences in the attitudes of the fathers and mothers, more negative upbringing style of the fathers was distinctive in terms of the loving attitude (very low and low scores in this area were assigned to 52 fathers and 41 mothers, despite the fact that in the research sample there were fewer fathers).

These conclusions have also been confirmed by the factor analysis, which is one of computational techniques employed for the PCR questionnaire. Apart from the raw results for the five scales (attitudes), it also enables calculating the results for the two factor dimensions: Love–Rejection (L–R) and Casual–Demanding (C–D), with the employment of the formula: L–R factor = $(L - R) + 30$, and C–D factor = $(C - D) + 30$. The results above 30 points indicate the predominance of the attitude of loving (L) over rejecting (R), and the casual attitude (C) over demanding (D), whereas the results below 30 points prove the existence of the inverse trend.¹⁶

Although the attitude of **Rejection** (the lack of acceptance of the child, the attitude of coldness and hostility, avoiding and ignoring the child) was exhibited by as many as 89 parents (59.73% of the respondents were given high and very high scores on this scale), yet the factor analysis points to the predominance of loving attitudes over the attitude of rejection (99 cases of Love dominating over Rejection, and 50 cases of the inverse trend). Here again, better results have been achieved by the mothers (59 cases of the predominance of loving attitudes

¹⁶ W.S. KOWALSKI: *Kwestionariusz stosunków...*, p. 34.

over 21 cases of the domination of the attitude of rejection, while in the case of the fathers, this ratio is 40 to 29). It should also be noted that the gender of the child was irrelevant for the parental attitudes. The predominance of the attitudes associated with rejection was experienced by 26 females and 24 males.

As regards the **Demanding** and **Casual** attitude, the presented research confirms the regularity, formulated on the basis of criminological research, that delinquents experience insufficient social control from the parents (direct/indirect supervision, parental control).¹⁷ Overly liberal attitudes towards children correlate positively with the parents' incompetence at upbringing as well as with an impaired family structure (deficiency in control, especially in formal control, is most often observed in single-parent families).¹⁸ According to the theory of Travis Hirshi, informal control should be primarily understood as emotional relationships, mutual attachment between parents and children. In contrast, direct controls are the "overt" actions or sanctions which parents place over children to ensure law-abiding and conformist behaviour.¹⁹ The studied parental attitudes are generally related to the formal control, which decreases along with the escalation of liberal attitudes. Excessively permissive attitudes (high and very high results; see Table 5) were demonstrated by 69 parents (46.3% of all the adults). The average intensity of permissiveness was exhibited by 57 people (38.25%). According to the description of the scale of parental permissiveness in the PCR questionnaire, such parents are not excessively interested in the child, they attend to the child only when they are not busy with something else, they do not make upbringing efforts, do not set demands, do not introduce educational principles, and even if they do, they neglect making sure the child adheres to them.²⁰ The factor analysis points to a clear dominance of casual attitudes over demanding attitudes in the surveyed group. In the case of 90 parents, liberal attitudes prevailed over demanding, whereas in 59 cases, the attitudes associated with imposing excessive demands on the child were dominant over casual attitudes. Excessively demanding attitude is marked by strict instructions and their unquestioning obedience, inflicting multiple punishments and limiting the child's contact with their peers, the lack of empathy, despotism, and disregarding the child's opinion.²¹ As for the requirements understood in such a way,

¹⁷ V.S. BURTON, JR., T.D. EVANS, S.R. KETHINENI, F.T. CULLEN, R.G. DUNAWAY, G.L. PAYNE: "The impact of parental controls on delinquency." *Journal of Criminal Justice* 23/2 (1995), pp. 111–126.

¹⁸ A.L. ANDERSON: "Individual and contextual influences on delinquency: The role of the single-parent family." *Journal of Criminal Justice* 30 (2002), pp. 575–587; Ch.A. KIERKUS, J.D. HEWITT: "The contextual nature of the family structure/delinquency relationship." *Journal of Criminal Justice* 37 (2009), p. 124; D. EITLE, "Parental gender, single-parent families, and delinquency: Exploring the moderating influence of race/ethnicity." *Social Science Research* 35 (2006), pp. 727–748.

¹⁹ V.S. BURTON, JR. et al.: "The impact of parental controls...", p. 120.

²⁰ W.S. KOWALSKI: *Kwestionariusz stosunków...*, pp. 11–12.

²¹ *Ibidem*, p. 11.

in the surveyed population they are usually at the average level – 82 parents (55.03%). The mothers are more inclined to adopt casual attitudes (51 cases of the dominance of liberalism over demanding attitude; 63.75 of all the mothers) than the fathers (39 cases; 56.52% of all the fathers). Imposing excessive requirements (predomination of demanding attitude over liberalism) is more characteristic of the fathers (30 males; 43.48% of all the fathers) than the mothers (29 females; 36.25% of all the mothers). The gender of the child is not a variable that would modify, in some way, the parents' attitudes.

On the basis of the above presented data concerning the attitude of love, rejection, parental liberalism and imposing demands, some regularity may be detected. Despite the obvious deficiencies in the loving attitude (especially in the fathers' attitude), and despite the fact that they declare the sense of being rejected by their parents, the respondents notice signs of parental love (the love factor predominates over the rejection factor). Therefore, the relation of the parents to the respondents may be defined as **the withdrawal from the process of upbringing while maintaining a certain sympathy for the child**, rather than expressing overt hostility (although its level is also high – the attitude of rejection was exhibited by 89 parents, i.e., 59.73% of all the parents). This conclusion is justified by the predominance of a high and a very high score in the liberal attitude of the parents along with the average level of the imposed demands. What also points to **the shallow involvement in the process of upbringing** their children is raw results obtained on the scale of the protective attitude. The high and very high scores in the attitude, which reveal the level of interest in the child, leniency, effusiveness, careful selection of friends for the child, isolating the child from his or her peers and protecting him or her from experiences that may result in the child's disappointment,²² were obtained by the total of merely 37 parents (24.83% of all the fathers and mothers). The others show an average attention to their child (74 people, 49.66%) and low or very low results on the scale (38 parents in total, 25.50%). This average level of focusing the parental attention on the child is also noticeable in the test of unfinished sentences (sentence number 30 in the MOR; questionnaires come from all the surveyed males and females, N = 84), wherein the respondents have revealed their connotations associated with their parents:

Parents are often: *cruel (3), strict with their children (3), vulgar, angry at their children, annoying (3), in the park, consistent (3), in good and bad moods (2), in the bar (3), bad (4), nervous (3), aggressive, at work (3), incomprehensible, at home (6), supportive in difficult moments, not very caring, disturbing, malicious, funny (3), estranged from each other (4), caring, quarrelsome (2), unjust, understanding, cool (2), cheerful, unapproachable, pathological, loving (2), with me (2), overprotective (2), good (2), weird, stupid, tired, happy, overzealous.*

²² Ibidem, p. 11.

Most of the 72 disclosed parental qualities (the rest of the respondents did not complete this sentence in the questionnaire) are difficult to be assigned any parental attitude. They refer rather to the character traits of the parents or the place of their frequent whereabouts (parents: *cool, disturbing, annoying, in the park, at home, at work, in a bar, angry, incomprehensible, in good and bad moods, cheerful, pathological, weird, stupid, tired, happy, good, funny, quarrelsome* – 38 respondents). The other features are part of the authoritarian or despotic attitude, and in this sense, are located on the border between the attitude of demanding and rejecting (*cruel, strict, vulgar, angry at their children, nervous, aggressive, malicious, unjust, unapproachable, pathological, estranged from each other, not very attentive* – 21 respondents). The protective attitude may be assigned statements from only 13 respondents (*consistent, supportive in difficult moments, caring, understanding, loving, with me, overprotective, overzealous*). Therefore, analogously to PCR questionnaire, the protecting attitude is very rare among the surveyed parents (only 37 parents in PCR were given high and very high scores for this attitude – 24.83% of all the parents).

The obtained data show that the parents whose attitudes were investigated cannot be accused of the total lack of love for their children (at least in the view of the surveyed delinquents). The problem lies in their poor competence in child upbringing, which consists in the fact that they are lacking in upbringing consistency, skills, and motivation for imposing requirements on their children, for establishing boundaries of accepted behaviour, for establishing rules and for making sure they are obeyed. The parents in the survey, probably for various reasons, are not aware of the importance of social training and parental control, which are indispensable for children and young people, and the lack of which results in the process of anarchy rather than education and socialisation. “Social disorganisation theory indicates that supervision of children by families is an important buffer against high rates of delinquency.”²³ This lack of motivation to raise their own children is a clear recommendation for the development of crime prevention programmes. The environmental programmes to support the family, described in Chapter 7, have been sufficiently justified by the results presented here. Making parents aware, from the very beginning of the motherhood/fatherhood, of the significance of devoting a lot of time to their children, setting down requirements (appropriate to the child’s age), the need for punishment without the use of physical violence, wise rewarding, controlling the child’s free time and supervising the child’s peer groups, as well as protecting the child against danger and natural development conflicts that require parental love and attention – all this should constitute a priority for the creators of crime prevention programmes.

²³ L. ANDERSON: “Individual and contextual influences...,” p. 577.

PART THREE

Crime as a subject of scientific analyses

CHAPTER 10

Crime and its treatment from Polish and international perspective

In Poland the issues of corrective impact on criminals are considered to be the domain of social rehabilitation educators, who work as pedagogues in prisons and institutions for juvenile delinquents. Along with psychologists, sociologists and lawyers, social rehabilitation educators constitute the most important source of human capital supplying the group of probation officers, streetworkers, and educators at educational and social therapy centres. Consequently, social rehabilitation pedagogy, as a subdiscipline of education sciences, has indicated diverse influences on socially maladjusted people (criminals, addicts abusing various substances, truants etc.) as the core subject of its research, which constitutes the *differentia specifica* of this field of knowledge. Rehabilitation pedagogy assigns a very broad scope of activity to the process of social rehabilitation, which is determined by three functions: education, care, and therapy. Hence, as an educational discipline of knowledge, it “ventures” into the spheres within which it is not always able to maintain a sufficiently high level of scientific analysis (for example, psychiatrists and psychologists are better qualified to handle the issues of social rehabilitation of sex offenders than social rehabilitation educators).

Research area of Polish social rehabilitation pedagogy, traditionally situated within the scope of interest of special education, has become a space where social educators are operating increasingly expertly today. The process of combining the perspective of social pedagogy and social rehabilitation pedagogy is not accidental, and it results from a more general trend, which can be easily observed. Namely, social pedagogy – more and more often taking a stand on social maladjustment and demoralisation (depraved children and youth, delinquents) – recognises the deviant nature of human behaviour from the perspective of impaired functioning of educational environment, thus drawing attention to research on interaction rather than on intrapsychic determinants of social maladjustment and conduct disorder.¹ Moreover, social rehabilitation scholars

¹ M. SZTUKA: *Anachronizm i aktualność. Idea resocjalizacji w sporze o nowoczesność*. Kraków 2013, p. 186; E. WYSOCKA: *Diagnoza w resocjalizacji. Obszary problemowe i modele rozwiązań*

have approached the perspective assumed by social pedagogy because the main emphasis of working with offenders has shifted from therapy to social support and from individuals' deficits to their assets.² It is easy to notice that the issues connected with various social pathologies equally frequently concern both social rehabilitation scholars and those affiliated with social pedagogy. Such phenomena as the problem of "street children," the process of family life transformation (an increase in the number of single-parent and patchwork families as well as an escalation in divorces) or social poverty exemplify fields of research exploration typical in both subdisciplines of education science.

The problem of borders and expansion of these subdisciplines, as well as the emerging autonomy of social rehabilitation pedagogy, seem dominant in the current meta-reflection of Polish social rehabilitation scholars.³

Meanwhile, the English literature fails to provide us with an accurate equivalent for the discipline practised successfully in Poland under the name of social rehabilitation pedagogy, because the object of research defined by rehabilitation scholars – namely, social maladjustment (or, more narrowly, crime) and the process of social rehabilitation – is of interest to other fields of knowledge, including criminology, sociology of deviance, psychology, psychiatry, social work, law, medicine, health sciences, and a few others, comprising areas which, in turn, are difficult to find equivalents for in the Polish classification of sciences, for example the studies in the field of criminal justice. Social rehabilitation pedagogy can easier find its conceptual equivalent in German, as behavioural disorders pedagogy (Ger. *Verhaltensgestörtenpädagogik*) can be found – though not without difficulty – in the structures of German universities, constituting there, as it does in Poland, a subdiscipline of special education (Ger. *Sonderpädagogik*). It is worth mentioning, however, that the social rehabilitation pedagogy practiced in Germany is closer in character to the discipline described by the international scientific terminology. Even its very name contains a term occurring in major international classifications of diseases, such as the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) and the *International Classification of*

w ujęciu psychopedagogicznym. Warszawa 2008, p. 17; S. KAWULA: "Po co studiować pedagogikę społeczną?" In: *Absolwent pedagogiki dziś. Perspektywa teorii i praktyki pedagogiki społecznej*. Eds. E. KOZDROWICZ, A. PRZECŁAWSKA. Warszawa 2006, p. 48; D. URBANIAK-ZAJĄC: "Czy praca socjalna może/powinna zastąpić resocjalizację?" *Opieka – Wychowanie – Terapia* 1 (2000), p. 24.

² See A. WĘGLIŃSKI: "Wspomaganie psychopedagogiczne i formalnoprawne pedagogów i podopiecznych z wolnościowych i zakładowych instytucji resocjalizacyjnych." In: *Wsparcie społeczne w rehabilitacji i resocjalizacji*. Eds. Z. PALAK, Z. BARTKOWICZ. Lublin 2004, pp. 207–219.

³ L. PYTKA: "Autonomia i uwikłanie transdyscyplinarne pedagogiki resocjalizacyjnej." In: *Terapia w resocjalizacji. Część I. Ujęcie teoretyczne*. Eds. A. REJZNER, P. SZCZEPANIK. Warszawa 2009, pp. 10–43; M. BERNASIEWICZ: "Pojęcie resocjalizacji (*treatment, social rehabilitation*) w perspektywie międzynarodowej i interdyscyplinarnej." *Nauki o wychowaniu. Studia interdyscyplinarne* 1/1 (2015), pp. 155–165.

Diseases (ICD). Behavioural disorders (conduct disorders; Ger. *Verhaltensstörungen*) – that is, inter alia, oppositional defiant disorders (aggressive, antisocial behaviours) – constitute a nosological unit recognisable to representatives of various scientific disciplines at every latitude, whereas the Polish term “social maladjustment” is not always properly decoded in the West. Incompatibility between the terms used in education sciences and the terminology functioning in worldwide circulation also creates a problem for German education science. Michael Winkler argues that education science in Germany has been losing its identity and been taken over by other disciplines, such as sociology or – above all – psychology, or broken down into subdisciplines which reject the pedagogical core of education science.⁴

Unlike in Poland, the terms social maladjustment and social adjustment do not enjoy widespread use in the discourse of criminological literature in the Anglosphere. The criminological literature written there simply refers to juvenile offenders (or young offenders or delinquents), or to problem children (or the youth/juveniles at risk). In turn, health sciences and education sciences use the terms conduct disorder and antisocial behaviour. Thus, in order to translate the term social maladjustment as it is used in Poland into English to guarantee a full understanding of the term in the West, one would need to use the phrase: *antisocial and delinquent behaviour*.

In the Polish Act on Juvenile Delinquency Proceedings of 28 October 1982, which is one of the most important acts for Polish social rehabilitation scholars (as it defines such terms as a juvenile and includes an exhaustive catalogue of pedagogical/corrective measures, that is, reactions of the court of law applicable to young offenders between 13 and 17 years of age, who perpetrate criminal and demoralising acts), we do not find the term “social maladjustment,” which is so widely used in Polish literature on this subject. Neither can the term be found in other important acts or directives of lower order, that is, regulations.⁵ Already in the 1970s, a lack of precise scope of meaning for the term of social maladjustment/maladjusted behaviour aroused so much doubt in Polish scholars that many of them took an arbitrary decision that the concept should merely denote *conduct disorders*, since these are the types of disorders that are clear signs of adaptation problems. It was therefore concluded that since disturbances in behaviour

⁴ M. WINKLER: “Nauka o wychowaniu w Niemczech – esej krytyczny.” *Nauki o Wychowaniu. Studia Interdyscyplinarne* 1/1 (2015), p. 42.

⁵ This term does not occur either in the Act on probation officers (Dz.U. [Journal of Laws] 2001, No. 98, item 1071), or in regulations governing the organisation of social rehabilitation centres for minors, such as the Regulation of the Ministry of National Education on the detailed rules for the management, admittance, transfer, release, and stay of minors in youth care center (Dz.U. [Journal of Laws] 2011 No. 296, item 1755), or the Ordinance of the Minister of Justice on juvenile detention centres and juvenile shelters (Dz.U. [Journal of Laws] No. 124, item 1359).

are symptoms of social maladjustment, it would be best – from an operational point of view – to reduce the concept of social maladjustment to the concept of conduct disorders.⁶ Jan Konopnicki, who initiated studies on social maladjustment at the Jagiellonian University in Krakow in 1961,⁷ used the term conduct disorders. At the same time, he broke with another conceptual tradition of using such terms as “morally neglected” and “difficult” children. According to the psychologist, conduct disorders included both mildest deviations from the norm, that is, a child’s “difficulties” with schoolwork, as well as the most serious ones, such as neurosis or crime.⁸ Later years in Polish literature on social rehabilitation brought a slow development of the “career” of the term “social maladjustment,” which began to replace all the terms previously used in Polish literature.

The term “social maladjustment” seems to have been ingrained in social rehabilitation pedagogy so deeply that it will not be easily abandoned. What constitutes an argument for its further use is obviously the fact that the scope of its meaning exceeds the semantic limits of the term “conduct disorder.” Apart from behaviours, whose description defines the essence of the term behaviour disorder, the *definiendum* of social maladjustment also comprises emotional instability and mental disorders. Justyna Siemionow states that “the scope of the term of social maladjustment refers to a broad spectrum of conduct disorders, as well as emotional and cognitive disorders which, as a result, lead to a conflict of an individual with social and legal norms and to him or her satisfying their needs by violating the social order.”⁹ This contemporary Polish definition of social maladjustment is an update on the term as it used to be described thirty or forty years ago. The historical definition pointed out to the fact that the underlying conditions for adaptation problems of an individual, including crime, are developmental disorder of an organic nature – connected with microdamage to the central nervous system. These disorders – as former definitions stated – were followed by suffering of an individual, caused by the impossibility to handle the life tasks they had to face.¹⁰ New definitions, like the one presented by Justyna Siemionow, point out to various dysfunction areas (behaviour, emotions, and mind), which make it impossible for an individual to achieve fulfilment and self-actualisation and which cause numerous problems to the society where this individual functions. Nonetheless, the Polish authors who want to publish

⁶ Z. OSTRIHANSKA: “Problem nieprzystosowania społecznego u młodzieży.” In: *Zagadnienia nieprzystosowania społecznego i przestępczości w Polsce*. Ed. J. JASIŃSKI. Wrocław–Warszawa–Kraków–Gdańsk 1978, p. 314.

⁷ http://www.pedagogika.uj.edu.pl/index.php/pl/instytut/historia_instytutu/ (10.02.2016)

⁸ J. KONOPNICKI: *Zaburzenia w zachowaniu się dzieci i środowisko*. Warszawa 1964, p. 28.

⁹ J. SIEMIONOW: “Kształcenie resocjalizujące – specyfika i znaczenie procesu edukacji nieletnich niedostosowanych społecznie.” *Resocjalizacja Polska* 4 (2013), p. 103.

¹⁰ See O. LIPKOWSKI: *Dziecko społecznie niedostosowane i jego resocjalizacja*. Warszawa 1971; J. KONOPNICKI: *Niedostosowanie społeczne*. Warszawa 1971.

their research outcomes in the West should translate the term *niedostosowanie społeczne* (lit. “social maladjustment”) as conduct disorder.

Conduct disorder, according to the DSM-5 classification published in 2013 by the American Psychiatric Association (the description was largely unchanged when compared to the DSM-IV description), is a specific conduct of an underage individual which violates social norms and rights of other people. A diagnosis of conduct disorder is made after at least three symptoms are observed during at least 12 months and one symptom occurring within the last 6 months. Such a diagnosis is made before the individual becomes adult.¹¹ Conduct disorders in children and teenagers can be divided into four categories: 1) aggressive behaviour towards people and animals (including bullying weaker children, using weapon in order to harm others, forcing to sexual activity, etc.); 2) intentional destruction of property (including starting fire); 3) deceitfulness or theft (breaking into a house, car, forgery, or avoidance of responsibilities); and 4) serious violation of rules, in particular before attaining 13 years of age (remaining outside the house without parents’ consent, frequent running away from home, playing truant, etc.).¹² Comparing the term conduct disorder as characterised above with the Polish term *niedostosowanie społeczne* (“social maladjustment”), it should be stressed once again that in the Polish social rehabilitation thought, *definiens* is applied with a much broader *definiendum*. The notion of social maladjustment comprises a much broader scope of defined phenomena (*definiendum*) than the notion of conduct disorder. When applying the term “social maladjustment,” Polish researchers refer to various phenomena, such as: fears, depression, suicide attempts, and addictions (internalising disorders), but also aggression, hyperactivity, and theft (externalising disorders). Jan M. Stanik and Bronisław Urban are among those who elaborated on the broad application of the Polish term in their publications.¹³

What constitutes a distinct deficiency of the discourse applying the term “social maladjustment” is superficiality, vagueness, and often ambiguity of its content. The polyaetiologic nature of even single pathological behaviours, for instance from the scope of addictions, as well as the dissimilarity of the pathomechanism of antisocial attitudes, or simply the fact that the array of deviation behaviours is constantly becoming outdated (nowadays, tattoos are not a symptom of social maladjustment, whereas in 1979 Czesław Cekiera included them in

¹¹ Conduct Disorder; [http://www.dsm5.org/Documents/Conduct%20Disorder%20Fact sheet%20Rev%209%206%2013.pdf](http://www.dsm5.org/Documents/Conduct%20Disorder%20Fact%20sheet%20Rev%209%206%2013.pdf) (11.11.2014)

¹² Conduct Disorder Symptoms; <http://psychcentral.com/disorders/conduct-disorder-symptoms/> (11.11.2014)

¹³ J.M. STANIK: “Diagnozowanie niedostosowania społecznego i asocjalności.” In: *Resocjalizacja. Teoria i praktyka pedagogiczna*. Eds. B. URBAN, J.M. STANIK. Vol. 1. Warszawa 2007, pp. 170–202; B. URBAN: “Zaburzenia w zachowaniu i niedostosowanie społeczne w świetle współczesnych wyników badań.” In: *Resocjalizacja...*, pp. 136–167.

the symptomatology of maladjustment)¹⁴ make one wonder whether using such an inoperative notion as “social maladjustment” is not dated these days. This term brings to mind the classification of terms by Herbert Blumer, who distinguished the *sensitizing concepts* and *definitive concepts*.¹⁵ The term “maladjusted” is an exemplification of the first one, and, according to Blumer, it can be said that from the point of view of sociology, it belongs to a valuable category of notions which do not seal the empirical reality but only indicate the direction of observations, thus opening scholars to new aspects of reality. However, in pedagogy and psychology, in which an accurate diagnosis and typologisation of already existing phenomena is more important than learning new variants of social phenomena, our notions should be of a definitive nature. Thanks to this, it is possible to identify the problem quickly and to take appropriate educational and/or therapeutic steps.

In the worldwide classifications of mental disorders, a numerous group of behaviours is subject to a cyclical updating process: differentiation and creation of new nosological units or merging existing disorders according to clearly defined criteria. At the same time, in Polish pedagogical literature, we specify numerous behaviours from the area of social deviations in one set of various “social maladjustments.” In DSM-5 classification, addictions constitute a separate category of mental disorders (Substance Use Disorder) within the Conduct Disorder type, whereas in the Polish social rehabilitation thought, they are still included in the collective notion of adaptation disorders (social maladjustment). In connection with this discrepancy, it must be noticed that until recently in DSM-IV classification, there was an additional differentiation into two separate nosological units: Substance Abuse and Substance Dependence, depending on whether the disorder was mild or serious. These, however, in the latest DSM-5, were merged into the common category Substance Use Disorder.¹⁶

The specialisation of social rehabilitation pedagogy studies, which is popular in Poland, has no equivalent in the Anglosphere, where these issues are covered by psychology, sociology, criminology, social work or psychiatric studies. The appeal made years ago by Piotr Stępniaś to replace social rehabilitation – a notion burdened with the heritage of ideological indoctrination, which it was thought to be in the period of real socialism – with social work was an attempt to bring the Polish penitentiary and educational practices to world-

¹⁴ J.M. STANIK: “Diagnozowanie niedostosowania społecznego i asocjalności.” In: *Resocjalizacja...*, p. 171.

¹⁵ K. KONECKI: *Studia z metodologii badań jakościowych. Teoria ugruntowana*. Warszawa 2000, p. 37; E. HAŁAS: “Herbert Blumer – socjolog negocjowanego ładu w społeczeństwie demokratycznym.” In: H. BLUMER: *Interakcjonizm symboliczny. Perspektywa i metoda*. Kraków 2007, p. XV.

¹⁶ Substance-Related and Addictive Disorders; <http://www.dsm5.org/Documents/Substance%20Use%20Disorder%20Fact%20Sheet.pdf> (11.11.2014)

wide standards. However, Stępniać formed his proposal based on an incorrect juxtaposition of “personality correction” and educational actions (according to him, it is an increasingly less necessary goal) with the processes of providing “social assistance” (a goal which is becoming superior in the period of capitalism and growing social disproportions).¹⁷ In her text, polemical to Stępniać’s theses, Danuta Urbaniak-Zajac objected to such a reductionism of social work to material support actions; according to her, “it is impossible to assume a priori that actions transforming the environment of life of an individual, a group or a society which focus on ‘social support’ cannot be forms of educational actions.”¹⁸ What must be mentioned here is the Polish specificity which consists in the fact that the issues of crime, deviation, and social dysfunction, included in various countries in the field of social work (also understood as education or even therapy) and criminal policy, have been institutionalised in a different way, as social pedagogy (transforming the environment) and social rehabilitation pedagogy (correcting the deficits of an individual and social prevention). The process of changing a criminal lifestyle as well as the problems of aftercare or resettlement, were – to a large degree – appropriated by educational sciences (pedagogy). At the same time, the process of institutionalising social work and the increasing significance of this area of knowledge (consolidation of the position of associations of social workers functioning outside the academic structure of universities and popularisation of “social work” as a separate major of studies, which is no longer only a specialisation) are still taking place in Poland. The scientific activity in the field of social work is, however, the realm of sociological and, most of all, pedagogical scientific institutes functioning within universities, whereas associations of social workers, despite functioning outside the organisational structure of universities, operate under their patronage.

Mariusz Sztuka has made an interesting observation, stating that social rehabilitation in Poland has its origins in the intelligentsia, in the sense of mission felt by this social class and the sensitivity to the fate of the less fortunate, displayed by the heirs of the Polish gentry, landowners. At the same time, in the West, social rehabilitation (social work) has a bourgeois provenance and, as such, was less missionary and more rational. Therefore, “unlike its west-European equivalents, the social rehabilitation model has not become here a domain of a practically-oriented version of criminology, clinical psychology or sociology of deviations, but was, from the very beginning, expressed in the language of knowledge on education, also when such a language was used by doctors, lawyers, and social activists.”¹⁹

¹⁷ P. STĘPNIĄK: “Od resocjalizacji do pracy socjalnej. O konieczności zmiany modelu postępowania?” *Opieka – Wychowanie – Terapia* 2 (1999), pp. 35–42.

¹⁸ D. URBANIAK-ZAJĄC: “Czy praca socjalna...,” p. 25.

¹⁹ M. SZTUKA: *Anachronizm i aktualność...*, p. 85.

Social workers employed in social rehabilitation facilities in the West take it upon themselves to treat criminals, since the widely-understood social work there also includes elements of social rehabilitation.²⁰ Social rehabilitation in Poland, which involves care, education, and therapy of people violating legal and moral norms, is a type of activity which is included in a widely-understood social activity in the English-speaking world. Apart from social work, educational programmes are also introduced in work with criminals. Both of the procedures intertwine so tightly that they simply create a new quality of interactions. In Poland, both activities form the scope of social rehabilitation procedure. The educational aspects of social work, such as the self-education process and pedagogical efforts to aid the defendant (in social work – the client) on their way to change their social condition, can be found in the *solution-focused therapy* concept.²¹ Also the sensu stricto therapeutic activity is, in the Anglosphere, included in the broad-ranging formula of social work. The psychotherapeutic approach in social work, that is the orientation described as clinical social work, even has its own eponymous scientific journal,²² whereas the so-called cognitive therapy is one of the most emphasised of all client approaches in social work (social rehabilitation).²³

Therefore, social rehabilitation can be described as a specific variety of social work or as an idiosyncratic educational process. The specificity of social rehabilitation activities taken by social workers is so different from the classically understood social work that in the West social rehabilitation activity has gained some autonomy. Considering interventions towards both minors and adult criminals, apart from social work, one can find in Anglo-Saxon literature the following notions: treatment,²⁴ offender rehabilitation, offender

²⁰ “By the end of the 70s the concepts of ‘welfare’ and ‘treatment’ in respect of juvenile justice had become almost synonymous with excessive intervention and intensified control . . . Social work was given legislative licence to ‘assess,’ ‘intervene,’ ‘care’ and ‘treat’ but such ‘welfare’ dispositions co-existed with the punitive armoury of the ‘justice’ system: the juvenile court, the Detention Centre, the Borstal. Well-meaning, but too often ill-considered, social work intervention engaged children in ‘treatment’ programmes in the belief that they would ‘do good’ and offset the likelihood of further delinquency.” See: B. GOLDSON: “Children, crime and the state.” In: *Children, Welfare and the State*. Eds. B. GOLDSON, M. LAVALLETTE, J. McKECHNIE. London–Thousand Oaks–New Delhi 2004, p. 128, 127.

²¹ G. MILLER: *Becoming Miracle Workers. Language and Meaning in Brief Therapy*. New Brunswick–New Jersey 2004; I. KRASIEJKO: *Metodyka działania asystenta rodziny. Podejście Skoncentrowane na Rozwiązaniach w pracy socjalnej*. Katowice 2010.

²² C. SIEBOLD: “What do patients want?: Personal disclosure and the intersubjective perspective.” *Clinical Social Work Journal* 39/2 (2011), pp. 151–160.

²³ Ch. KNOTT: “Evidence-based practice in the National Probation Service.” In: *What Works in Probation and Youth Justice*. Eds. R. BURNETT, C. ROBERTS. Portland–Oregon 2004, pp. 18–19.

²⁴ B. MINCEY, N. MALDONADO: “Shared stories of successful graduates of juvenile residential programs: A phenomenological study.” Paper presented at the Walden University Research Symposium. Miami 2011, pp. 1–28; <http://files.eric.ed.gov/fulltext/ED518854.pdf> (18.11.2011);

therapy,²⁵ education and transition from delinquency.²⁶ Treatment can take place in various conditions: residential treatment (correctional facility, juvenile institutions, juvenile detention, residential facility, offenders incarcerated in detention centres, custodial institutions, and prison) or probation, family-based programmes, and early childhood education. Treatment also involves a group of people considerably varied in terms of the disorders. Like the Polish social rehabilitation pedagogy, corrective actions include a broad spectrum of problems: juveniles (delinquents), child offenders, juvenile misconduct, prior criminal activity, “destitute (deprived) and delinquent (depraved) children,”²⁷ children at risk and adult crime, dysfunctional families, domestic violence, drug use and alcohol abuse, persons disadvantaged economically and socially, disadvantaged kids from the ghetto, as well as “hidden crime”: alcohol abuse, unproductivity, social isolation, and unhappy lives.

Apart from the unquestionable influence of counsellors and educators on the effectiveness of the treatment and rehabilitation process, whose attitude and competences are one of the most important factors of withdrawal of the rehabilitated persons from criminal activity (the counsellors appeared to be the reasons why some youths succeed and why others fail),²⁸ the English-language literature devotes a lot of space to the analysis of sociological predicates (so-called life events) leading to desistance from crime. The so-called “turning points” resulting in abandonment of further violation of the legal order are, among others: marriage, finding a job and an adequate remuneration, childbirth, joining the army, commencement of education or religious conversion,²⁹ described in more detail elsewhere.³⁰

B.C. WELSH, D.P. FARRINGTON: “Effectiveness of family-based programs to prevent delinquency and later offending.” *Psicothema* 18/3 (2006), pp. 596–602.

²⁵ R. GREENWALD: “A trauma-focused individual therapy approach for adolescents with conduct disorder.” *International Journal of Offender Therapy and Comparative Criminology* 44 (2000), pp. 146–163.

²⁶ T.G. BLOMBERG, W.D. BALES, K. MANN, A.R. PIQUERO, R.A. BERK: “Incarceration, education and transition from delinquency.” *Journal of Criminal Justice* 39 (2011), pp. 355–365.

²⁷ B. GOLDSON: “Children, crime and the state.” In: *Children, Welfare and the State*. Eds. B. GOLDSON, M. LAVALETTE, J. McKECHNIE. London–Thousand Oaks–New Delhi 2004, p. 122.

²⁸ B. MINCEY, N. MALDONADO: “Shared stories of successful graduates...,” p. 2.

²⁹ G. TRASLER: “Delinquency, recidivism, and desistance.” *British Journal of Criminology* 19 (1979), pp. 314–322; T.G. BLOMBERG, W.D. BALES, K. MANN, A.R. PIQUERO, R.A. BERK: “Incarceration, education and transition from delinquency.” *Journal of Criminal Justice* 39 (2011), pp. 355–365. J.H. LAUB, R.J. SAMPSON: “Understanding desistance from crime.” *Crime and Justice* 28 (2001), pp. 1–69; Y. HAIGH: “Desistance from crime: reflections on the transitional experiences of young people with a history of offending.” *Journal of Youth Studies* 12/3 (2009), pp. 307–322.

³⁰ M. BERNASIEWICZ, M. NOSZCZYK-BERNASIEWICZ: “Punkty zwrotne (*turning points*) w przestępczej karierze. Szansa dla resocjalizacji/rewitalizacji nieletnich przestępców.” *Chowania* 1/44 (2015), pp. 103–116.

While the justifiability of further application of the term “social maladjustment” in Poland may, as has been demonstrated above, raise some doubts – from the point of view of the international circulation of knowledge and not scientific tradition, which fully justifies the use of this term – the term *resocjalizacja* which has its counterpart in the English language in the terms “treatment” and “rehabilitation,” is used in the contemporary English-language literature. Thus, Polish social rehabilitation pedagogy may retain its identity and it even should become autonomous as an independent subdiscipline of educational sciences. In order to achieve this goal, rehabilitation pedagogy must become more interdisciplinary; it must be more effective in integrating the knowledge on pedagogy, criminology, psychology, and sociology.

CHAPTER 11

Polish literature on criminology

Possible directions in empirical analyses on the genesis of crime are almost limitless. Researchers now know a lot about risk factors for the development of conduct disorder, including temperament, gender, low intelligence, attention deficit/hyperactivity disorder (ADHD), impulsiveness, poor coping skills, social failure, parental psychopathology, inappropriate discipline, affiliation with deviant peers, and socioeconomic disadvantage.¹ The field of research into the phenomenon of crime constitutes an interdisciplinary area of scientific inquiry. One of American journals of criminology offers its columns to a multidisciplinary group of scientists, as it “recognizes that many disciplines are involved in and inform this area of study and practice, and seeks to provide a comprehensive forum through which treatment practices can be improved. To that end, the journal contains submissions by experts in all fields that directly affect the treatment of prisoners and offenders. These fields include: psychology, psychiatry, social work, law and legal studies, medicine, criminology, criminal justice, corrections, sociology, health sciences.”² However, this profusion of possible fields of inquiry is not accompanied, at least in Polish literature, by particular abundance of scientific literature aiming to verify causal relationships between crime and psychological or sociological variables. The few examples of studies published in recent years include works by the following authors: Przemysław Piotrowski (on, among other things, the relationship between robbery and rationality of action),³ Dagmara Woźniakowska-Fajst (on the relationship between gender and scale of crime),⁴

¹ R. GREENWALD: “A trauma-focused individual therapy approach for adolescents with conduct disorder.” *International Journal of Offender Therapy and Comparative Criminology* 44 (2000), p. 146.

² Website of the magazine titled *International Journal of Offender Therapy and Comparative Criminology*; <http://ijo.sagepub.com/> (22.07.2014)

³ P. PIOTROWSKI: *Rozbój. Uwarunkowania psychospołeczne, motywacja i racjonalność sprawców*. Warszawa 2011.

⁴ D. WOŹNIAKOWSKA-FAJST: *Nieletnie. Niebezpieczne, niegrzeczne, niegroźne?* Warszawa 2010.

Monika Noszczyk-Bernasiewicz (an analysis of the entire spectrum of juvenile delinquency determinants, especially family-related ones),⁵ Justyna Siemonow and Zdzisław Bartkowicz (analyses of the relationship between crime and self-esteem in young offenders),⁶ Ewa Czerwińska-Jakimiuk (on the relationships between such independent variables as stressful, traumatic life events, the sense of imposed social control by the family and school, or the level of educational aspirations and contacts with criminals, with the dependent variable in the form of perpetuated crimes),⁷ or Magdalena Rode (a dissertation on the correlation of the profile, the type of criminal style of thinking, or distorted thinking with such variables as gender, type of offense committed, psychosocial functioning of mothers, and personality traits of juvenile offenders),⁸ and Małgorzata H. Kowalczyk (on family and personality circumstances of sexual offences).⁹ The problem of juvenile and adult criminals is not limited to behavioural predictors (aetiology), but includes such aspects as:

1. symptomatology of crime, that is, the size, dynamics and structure of crime (the area of interest of criminology);
2. psychological functioning of offenders and their treatment (psychology);
3. methodology of working with offenders (educational aspect), diagnosis of behavioural disorders and educational environment, goals of social rehabilitation, models and institutions of social rehabilitation (the area of interest of social rehabilitation pedagogy); and
4. theoretical metastructures explaining the reasons why deviance occurs in society (sociological perspective).

Thus, like elsewhere in the world, in Poland the question of crime is discussed by many scientific disciplines, among which, however, the biggest role in expanding the research exploration area have: legal studies (and within its scope – criminology), forensic psychology, sociology of deviance, and pedagogy (particularly, social rehabilitation pedagogy).

Social rehabilitation scholars and social educators who publish on the subject of crime are usually employed at departments of rehabilitation pedagogy, common at Polish universities. For many years social rehabilitation studies (run within the programme of pedagogy) have enjoyed huge interest among young

⁵ M. NOSZCZYK-BERNASIEWICZ: *Nieletni przestępcy w percepcji personelu i nadzoru resocjalizacyjnego oraz studentów resocjalizacji*. Katowice 2010.

⁶ J. SIEMONOW: *Niedostosowanie społeczne nieletnich: działania, zmiana, efektywność*. Warszawa 2011; Z. BARTKOWICZ: *Agresywność, kompetencje społeczne i samoocena resocjalizowanych nieletnich a ich przestępczość w okresie dorosłości*. Lublin 2013.

⁷ E. CZERWIŃSKA-JAKIMIUK: *Przestępczość młodocianych. Interpretacja zjawiska w świetle ogólnej teorii napięcia Roberta Agnew*. Kraków 2011.

⁸ M. RODE: *Style myślenia przestępczego. Podstawy teoretyczne i diagnostyczne*. Warszawa 2013.

⁹ M.H. KOWALCZYK: *Przestępcy seksualni. Zabójcy, gwałciciele, pedofile i ich resocjalizacja*. Toruń 2014.

people in Poland, creating good conditions for the development of scientific staff in this discipline of science. Strong authorisation for the subdiscipline of rehabilitation pedagogy is also given by numerous legal regulations, according to which most social rehabilitation institutions active in Poland prefer or are obliged to employ graduates of social rehabilitation pedagogy studies at the positions of educators. In the Polish system, they comprise the following institutions:

1. For adults (from 17 years of age and older): penitentiaries, remand centres, probation court services teams attached to district courts (probation officers for adults), residential treatment facilities (rehabilitation and revalidation centres), and social work among drug addicts, the homeless, or persons prostituting themselves;
2. For juveniles (from 13 years of age to under 17 years of age): juvenile detention centres (ZP) and juvenile shelters (SdN), youth educational centres (MOW), juvenile social therapy centres, school and educational centres, community therapy centres, attendance centres and probation court services teams attached to district courts (family probation officers), residential treatment facilities (rehabilitation and revalidation centres), kids shelters, family assessment and consultation services,¹⁰ voluntary labour corps, emergency youth centres, and school educators, but also plethora of non-governmental organisations that perform the programmes of streetworking, street pedagogy, partyworking and other programmes of potential social rehabilitation (social prevention).

Below is a summary of the most interesting publications regarding criminality, published in Poland **in the years 2008–2015** by social rehabilitation scholars, lawyers, psychologists, and sociologists.¹¹

Studies written by Polish social rehabilitation scholars in the field of criminality and its treatment (organisation of social rehabilitation institutions, the size and dynamics of criminality, the methods of influencing, the diagnosis of criminal educational communities and individual disorders, social rehabilitation theories and targets, social rehabilitation systems and penal policy) can be divided into two separate areas. In the subdiscipline of social rehabilitation pedagogy, we can distinguish the issues of social rehabilitation of adults and social rehabilitation of juveniles. The former is mainly penitentiary science (social rehabilitation of persons in the conditions of prison isolation), court guardianship exercised in the conditions of open community (probation), and addiction therapy. The latter is the original area of scientific activity of Polish social rehabilitation scholars and concerns juvenile criminality and demoralisation (depraved children and youth).

¹⁰ Since 1 January 2016 called opinion-forming court specialist teams (OZSS).

¹¹ A list of publications from the indicated period is a subjectively compiled list of the best publications from these years. We might inadvertently have omitted some important sources, although we have made all possible efforts to avoid it.

Among pedagogical monographs in the field of penitentiary science, the following are worth mentioning:

1. **Joanna Felczak**¹² quantitatively characterises penal policy and the nature of social rehabilitation in Poland. In this publication, one can find figures referring to: the level of recidivism in Poland (in the case of offenders sentenced for the first time, 57% return to criminality), the level of prisoners' employment (only 30% of prison population is employed, whereas the level of unemployment, interpreted as lack of professional activity of persons in the production age, is also 30%), and the average length of deprivation of freedom, which is 18 months in Poland. Further interesting characteristics of Polish penal policy include information on the structure of decided penalties (over 60% are suspended penalties of deprivation of liberty, 15% are fines, 10% are penalties of absolute deprivation of liberty, and 7% are penalties of limitation of liberty) or information regarding economic efficiency of particular penalties (monthly living cost of a prisoner is PLN 2,400, that is, approx. EUR 600; electronic monitoring costs PLN 100, approx. EUR 25; supervision over the sentenced person by a court probation officer is PLN 30, approx. EUR 10).
2. The study by **Małgorzata H. Kowalczyk**¹³ is a complex study of family and personality conditions of sexual crimes. The author examines biographies of three categories of sexual criminals serving long-term, sometimes lifelong, sentences of imprisonment. For each of the examined persons, the author creates a trajectory encompassing the most important moments and processes in the course of life (injuries, parental attitudes, addictions, circumstances of sexual initiation, etc.). In the course of life of sexual killers, one discovers cold relationship with their mothers (a rejecting, inept, strict mother), secondary role of the father (a withdrawn, passive-dependant type), presence of traumatic events (violence), and symptoms of behavioural disorders (addictions). In the area of personality and sex, the perpetrators show a high level of aggression and cognitive disorders (depreciation of the victim's dignity). The life history of rapists is slightly different. The criminals have a close relationship with their mother, but it is of a deviant nature (overprotectiveness). The relationship with the father was most often cold, violent, or emotionally withdrawn. In the biographies of rapists, there are also difficult psychological experiences (being subject to sexual, physical, or mental violence). The deviant behaviours in the course of perpetrators' maturation include only sexual disorders (early sexual initiation, reactive masturbation behaviours). Perversion of thinking (denial of the nature of act, suggesting voluntary character of the victim's behaviour, or blaming the victim) is noticeable. Many rapists act under the

¹² J. FELCZAK: *Polski system penitencjarny. Racjonalizacja kosztów*. Warszawa 2014.

¹³ M.H. KOWALCZYK: *Przestępcy seksualni...*

influence of alcohol. In the case of paedophilic crimes, the family environment of the perpetrators can be described as dysfunctional (the mother presents passive and dependant or strict attitudes). The fathers present more uniform picture of the relationship regarding the child – all of them were rejecting and hostile. Early experience of sexual abuse by future perpetrators particularly influenced the paedophilic crimes. Perversion of thinking consisting in minimisation of own participation and sexualisation of the child's intentions and behaviours is very characteristic of these perpetrators. In the case of incest crimes, as in previously discussed cases, the deficit of father's love in the perpetrators' families was noticeable. The mother relationships of persons committing incest in their adult lives were not unambiguous. It is a characteristic syndrome of this category of perpetrators to internalise violence patterns from their family house and the negative nature of memories connected with their first sexual experiences. The perpetrators of incest also show cognitive disorders consisting in justifying their behaviour. At the end of her work, the author discusses therapeutic programmes addressed to different perpetrators of sexual crimes. It is worth noticing, as does the author of the book, that in the treatment of sexual offenders, the therapeutic actions aimed at direct reasons for defective sexual preference (paraphilia) are as important as the therapy of addictions and aggression, which are very often factors that discharge (trigger) a criminal act.

3. The book by **Józef Rejman**¹⁴ exposes anachronisms in the Polish penitentiary system, including excessive centralisation and formalisation of prison organisation. Centralisation of decision making in the structure of organisational units of a penitentiary facility restricts creativity of pedagogical interactions. Delegating tasks and freedom in the application of rehabilitation innovations by specialised personnel of carers and psychologists are clearly missing. The author describes tasks of prison organisational units (the security division, the penitentiary department, the management personnel, etc.). He concentrates on the description of indicators/signs of dysfunctionality of the organisation, which prove the continuing pathology of the institution. The author refers the general knowledge of the organisation management to the specific nature of functioning of the Polish penitentiary system in the 21st century. The most valuable part of the book is a description of the innovation introduced by the author (he is an employee of the prison system) that prompted determined resistance on the part of the central and regional management levels of the prison system. The author employed the action research type of studies.

¹⁴ J. REJMAN: *Zmiana w polskim systemie penitencjarnym. Ograniczenia i możliwości*. Warszawa 2013.

4. The book by **Barbara Toron**¹⁵ presents the biographies of 87 persons serving imprisonment sentences. Based on in-depth interviews and facility documentation, the author presents biographies of these persons with emphasis on their difficult childhood and school career.
5. **Anna Kieszowska**¹⁶ presents problems that face convicts leaving the penitentiary facility. Her book is an example of a very rare longitudinal study of effectiveness of social readaptation in the Polish literature. At the same time, the author creates the model of community support for former inmates.
6. A research problem very similar to that discussed by Anna Kieszowska has been tackled by **Anna Fidelus**¹⁷ in the book published in the same year. The author conducted a catamnestic study with the population of 120 convicts functioning outside prison for at least 6 months. It turns out that only 47% of them found employment, 64% assessed their financial situation as bad, 75% admitted to some addiction, and 78% assessed their health condition as good. The author has managed to obtain very interesting results that indicate, among others, that the trend of positive social readaptation (good functioning outside prison) is definitely more noticeable in subjects who were imprisoned at least twice and for longer terms, a result that must be considered surprising. The process of social readaptation out of prison in convicts with short sentences and imprisoned for the first time was worse, and the statements of the convicts recounted the will or the belief in the inevitability of return to crime. According to the author, this indicates legitimacy of application of seclusion penalty only in the situation of pronouncing long sentences (only for dangerous crimes, where long-term rehabilitation interaction for the convicts is possible). Long-term imprisonment sentences make the affected persons manifest higher fear of returning to prison after doing their time than in the case of those for whom imprisonment was only an episode. Less dangerous crimes should not be punished with imprisonment because a short period of the penalty is not severe enough (with the added lack of time for social rehabilitation) to evoke in the convict sufficiently strong motivation to desist from criminal activity. Participation in rehabilitation and therapy programmes during the stay in the rehabilitative facility positively correlates with good social readaptation. The author confirms that many subjects require professional emotional and social support when they are released, because the level of fear of returning to the family left behind and to the place of employment from before the imprisonment time is such that the convicts concede their

¹⁵ B. TOROŃ: *Przestępczość skazanych kobiet i mężczyzn w perspektywie biograficznej*. Kraków 2013.

¹⁶ A. KIESZKOWSKA: *Inkluzyjno-katalaktyczny model reintegracji społecznej skazanych. Konteksty resocjalizacyjne*. Kraków 2012.

¹⁷ A. FIDELUS: *Determinanty readaptacji społecznej skazanych*. Warszawa 2012.

own exclusion. They avoid social contacts, which are of fundamental social importance for positive readaptation (fear of rejection and stigmatisation pushes them into homelessness, unemployment, and recidivism). The need of psychological support becomes obvious during verification of the role of the probation officer in the readaptation process. The subjects considered the possibility of talking to a friendly person as the most important advantage of meetings with the probation officer (44.4% of the supervised persons). The total of 80% of the subjects who were provided with probation officer care after their release (51.7% of the total number of the subjects) positively assessed the presence of the probation officer.

7. **Ewelina Olszewska**¹⁸ conducted comparative tests with a group of 100 persons serving imprisonment sentences and 100 persons who were never penalised. Both groups were of 22–33 years of age. Comparing the said groups, differences in the pedagogical environments of the individuals of these groups were identified, such as: education of parents, social and living conditions of the families, background, family structure, pedagogical atmosphere, emotional bonds between parents and subjects, the level of parental control, and the quality of pedagogical care. All the listed parameters of the pedagogical environment were worse in the families of the convicted persons. Demanding and inconsistent attitudes (twice more often) and excessive protection (32% against 11%) were significantly more frequent with the mothers of the studied convicts than with the mothers of persons who were not convicted. Twice more convicts than those not convicted had fathers who were demanding (27.5% as compared with 13.33%) or excessively protecting (8.75 and 3.33%). In the upbringing style, both mothers and fathers of convicted persons more often presented adverse pedagogical attitudes, more often authoritarian and less frequently democratic than in the case of the families of the persons who were never penalised. All in all, the conclusions the author draws from the study correspond with the current knowledge of crime predictors. The pedagogical environment of the convicts proved to be less beneficial for the proper social development (moral, occupational, and family development) than the living environment of the persons respecting the legal order.
8. The publication by **Sławomir Przybyliński**¹⁹ offers the opportunity to become acquainted with the legal aspects of functioning of the prison system in Poland, the terminology used in the penitentiary system, and the historical aspects of the Polish penal regulations, but first of all, it concerns a specific category of convicts who require the strongest security measures, that is the

¹⁸ E. OLSZEWSKA: *Środowisko rodzinne młodych mężczyzn popełniających przestępstwa*. Wrocław 2012.

¹⁹ S. PRZYBYLIŃSKI: *Więźniowie „niebezpieczni” – ukryty świat penitencjarny*. Kraków 2012.

category of “dangerous” criminals. The publication features photographs illustrating the daily life of a Polish prison.

9./10. A book by Professor **Henryk Machel**²⁰ and a book by his student, **Monika Marczak**²¹ (both authors from the University of Gdańsk), are another two studies of the most recent period which present the specific nature of work of prison staff with various categories of inmates (Machel), along with the pedagogical and therapeutic programmes implemented by the service (Marczak). The most important conclusions from the above-mentioned publications for the creation of criminal policy and social rehabilitation can be summarised in the following theses:

1. The belief in the dissuasive power of imprisonment is fallacious and not confirmed scientifically. The perpetrators of crimes actually act under the influence of the situational stimulus, rarely calculate gains and losses, and rarely plan the course of a crime (there are relevant exceptions, such as sexual serial killers who plan to commit a crime). Irrationality of the criminals' conduct results, inter alia, from actions under the influence of alcohol (in all tests, the number of people who commit crimes under the influence of alcohol is approaching 50%), or under the influence of synergetic processes occurring in a criminal subculture (a very small part of criminals work on their own).²²
2. Non-custodial forms of penalties and rehabilitation should be developed, such as probation, the penalty of restriction of liberty and unpaid work, and electronic monitoring, because they are characterised by similar, or better, efficiency as absolute imprisonment involving deprivation of liberty, and a definitely better economic efficiency. Maintaining a criminal in jail is up to tens of times more expensive than probation or imposing electronic surveillance. Penalties based on an open environment cause also far less mental (sensory deprivation, moral degradation, incapacitation) and social damage (involuntarily punishing the family, which along with isolation of its member often remains destitute, while in the case of isolation of women, a significant childcare function disorder occurs in the family) than imprisonment.²³
3. Family programmes on early intervention and support should be developed in order to prevent the demoralisation (in the US, status offenses) and crimes committed by children and minors, since the earlier age of criminal initiation, the higher probability of recidivism in the unit; a dysfunctional family is

²⁰ H. MACHEL: *Sens i bezsens resocjalizacji penitencjarnej – casus polski*. Kraków 2008.

²¹ *Resocjalizacyjne programy penitencjarne realizowane przez Służbę Więzienną w Polsce*. Ed. M. MARCZAK. Kraków 2009.

²² J. FELCZAK: *Polski system penitencjarny...*, p. 160. Such data are also provided by other studies carried out in Poland, such as E. CZERWIŃSKA-JAKIMIUK: *Przestępczość młodocianych...*, p. 113; P. PIOTROWSKI: *Rozbój...*, pp. 230–247.

²³ J. FELCZAK: *Polski system penitencjarny...*, pp. 142–147.

also the most important crime predictor for children who are raised in such a family.

In the field of explorations of Polish social rehabilitation pedagogy devoted to the rehabilitation of minors (delinquents), the following positions should be noted:

1. The co-authored publication by **Agnieszka Barczykowska**, **Sonia Dzierżyńska-Breś** and **Maciej Muskała**²⁴ is, on the one hand, a broad commentary on the penal policy in the United States and England and Wales in a historical perspective, and on the other, an in-depth analysis of the contemporary aspects of this policy. Among detailed issues, it contains a description of very many tools to diagnose the level of demoralisation and criminal risk associated with both children and adult criminals, including a thorough description of the R-N-R model (practice, popular in the world, of the assessment of a risk, needs, and responsivity to rehabilitation) that allows to estimate the risk of recidivism and identify in the screening test (screening instrument) youth at risk. The authors discuss thoroughly both judicial and non-judicial remedies available to courts/services in the fight against crime in the United States and England. Especially, a lot of space is devoted to the description of the intermediate penalties implemented in local communities (intermediate sanctions; community orders). The intermediate sanctions (electronic monitoring, community work – in England, unpaid work – in the US, work crew, involvement in the corrective programmes, stay at unguarded local rehabilitation centres of a day or residency stay type) today are the most important alternative in the Anglosphere for the dominant classic penalties of probation and imprisonment.
2. In the discussed publication, **Zdzisław Bartkowicz**²⁵ seeks intrapsychic predictors of rehabilitation effectiveness. For this purpose, the author conducted longitudinal studies of 162 minors placed in three youth educational centres (MOW). In the youth educational centre, there are young people with a high level of demoralisation (delegated by the court for escaping from home, truancy, or aggression), who not necessarily committed criminal acts. Such a selected population of minors (delinquents) was compared by Bartkowicz to a community of technical school students (the average age of both groups was slightly over 16 years, although the age differentiation was already substantial – in the youth educational centre, there were males aged from 14 to 18; the technical school students of I and II forms included only 16 – and 17-year olds). It is worth noting that in the case of the presented studies of a self-report type, more than 90% of the examined minors admitted to having committed a crime (mainly thefts, robberies, extortion, or assault), but

²⁴ A. BARCZYKOWSKA, S. DZIERŻYŃSKA-BREŚ, M. MUSKAŁA: *Systemy oddziaływań resocjalizacyjnych Anglii i Stanów Zjednoczonych Ameryki*. Poznań 2015.

²⁵ Z. BARTKOWICZ: *Agresywność, kompetencje społeczne...*

the committing of criminal acts was not uncommon among technical school students, as it happened even in 39.3% of cases. The entire research took place in two stages. In the first stage, the research was carried out in rehabilitation centres (2005–2006). In the second stage (2012), a question about conviction history of the previously examined males from the youth educational centre (MOW) in the period up to three years from leaving the institution was put to the National Criminal Record (at the age of 18, the youth educational centre charges usually leave the centre, so the questions were related to conviction history at their age between 18 and 21). During this period, only 32.1% of the examined (52 people) did not break the law. This rehabilitation effectiveness, measured by the recidivism level, should be assessed as low. According to this fact, it can be stated that in the case of 67.9% of the examined people, a new criminal-law sanction was imposed after leaving the youth educational centre, with up to 77.2% of these people committing a crime again in the first year after completion of the institutional rehabilitation. The minors differed from the group of students in the family and school situations at the statistical significance level only in terms of coming from a large family (45.5% of minors punished in the period of three years after leaving the centre came from a family in which four or more children were raised, as contrasted with 21.4% of the vocational school students), and obviously, at the level of antisocial behaviour intensity. The other differences, though visible (minors more often were physically punished by their father and mother, and they more often came from families in which the abuse of alcohol occurred, than it was the case with the other group members), were statistically insignificant. Unfortunately, a lot of important data about the comparative group were missing, which otherwise are difficult to obtain from people who have not been formerly exposed to intervention by different public services collecting important information on the living environment. Therefore, it is not possible to compare many other criminal indicators, which in the examined population of minors – in accordance with expectations – showed high intensity (in the case of 32.7% of minors, at least one of the parents was punished; one-third of them grew up in incomplete families; one-third of them grew up in a children's home or in a foster family before being placed in the youth educational centre; school retardation among minors amounted to an average of 2.1 years). Using various scales, the author shows that though the group of examined minors is generally more tolerant in terms of assessing the violence phenomenon (physical, verbal, and sexual) than the comparative group, both groups similarly evaluate the degree of saturation of their immediate environment with violence. Therefore, the studied rehabilitation centres are not a place where, in comparison to the examined technical school, different forms of aggression were particularly overrepresented. It appears that aggression is present in both studied areas, which confirms the known thesis of high

saturation with violence also in the case of the universal educational centres. As far as the social competence analysis and the delinquent self-esteem are concerned, compared to the group of students, the minors (delinquents) showed a higher tendency to favour themselves and a higher level of variation (inconsistency) of the real self-image. It is a very interesting part of Bartkowicz's research, showing that declaring a high self-esteem among minors is connected with the higher probability of committing further crimes in the future and of the fiasco of rehabilitation. In the publication, Bartkowicz also reviews Polish literature that challenges the belief, formulated on the basis of criminological analyses, concerning the relationship between crime and low self-esteem. The research results by Ostrowska, Poznaniak, Stanik, and Drwal point to the rather inflated self-esteem among criminals. It is rather narcissism and a high opinion of themselves that constitute a starting point for aggressive defence of their own dignity, which was compromised by other people. In this sense, the increase in self-criticism among minors while staying in the youth educational centre (MOW) – noted only in the case of those who did not commit a crime in the period of three years after leaving the centre – should be assessed as one of the few signs of institutional rehabilitation effectiveness. The discussed examined group (32.1% of minors who did not return to committing crimes) had a higher level of social skills associated with establishing close relations, confiding and demonstration of understanding for others. The above-mentioned skills, related to empathy, may explain the success of this group's rehabilitation, and they also indicate the direction of educational work that should be undertaken in rehabilitation centres. The overall social competence level of the examined minors during their stay in the youth educational centre remained, on average, at the same level, which demonstrates a lack of significant changes in this area during the institutional rehabilitation. The presented work is one of the most interesting publications released by Polish social rehabilitation scholars in recent years.

3. **Marek Konopczyński**²⁶ in his work takes apart various myths related to social rehabilitation understood as: 1) good organisation of penalties and supervision (the legal stereotype); 2) treatment (the psychological myth); and 3) correction in seclusion environment (the pedagogical myth). The author presents then his own position, free of the previously criticised stereotypes. Konopczyński perceives social rehabilitation as a pedagogical process; socialisation focused on shaping new parameters of human identity; parameters based on the potentials latent in every criminal. With the properly planned social rehabilitation, understood mostly as the proper process of social communication, the practice of implementation in the culture, in which language is the transmit-

²⁶ M. KONOPCZYŃSKI: *Kryzys resocjalizacji, czy(li) sukces działań pozornych. Refleksje wokół polskiej rzeczywistości resocjalizacyjnej*. Warszawa 2013.

ter, we create the required social roles. The author sees the opportunity for social rehabilitation of delinquents in practising self-presentation with them (drama, music therapy, etc.), which starts the process of change of their social image, thus improving the feeling of self-worth. The assumption is formulated here that every human being has resources on which positive identity may be built.

4. **Maciej Bernasiewicz**²⁷ analyses conduct disorders of children and youth, employing sociological terminology. The book indicates how the social rehabilitation theory as well as practice (in particular social work) may benefit from the application of notions deriving from symbolic interactionism. The author interviewed therapists from the Association for the Help to Children and Youth – The Guardian Angel Home in Katowice. The Association offers educational assistance and counselling to children and youth aged from 3 to 18. While working among street children (juvenile delinquents, neglected and abused children, who spend most of their leisure time in the street environment out of adults' control), the author found the therapeutic meaning of talk and observation (listening and commenting on words of emotions, personality features, unforeseeable circumstances which occur to children at risk) held during everyday activities and games organised by the centre in disadvantaged neighbourhoods. The author describes four methods of therapeutic treatment of children and teenagers at risk (including juvenile delinquents), which he draws from the analysis of in-depth interviews with other therapists and from his own professional practice for the said association. These methods may, in an effective way, contribute to counteracting social exclusion, experienced by these children from different institutions (school, justice administration and employers during later time). Probation officers, social workers, counsellors, streetworkers, and therapists are persons who could apply the ideas presented in the book. The book is also a polemic with the approach to the theory and methodology of social rehabilitation present in Polish social rehabilitation, dominated by the psychological discourse.
5. **Przemysław Piotrowski**²⁸ challenges the thesis about rational nature of actions of criminals. The author presents studies from which it follows that only one-third of criminals calculate risk/gain involved in a criminal act. In the studies of both youth and adult reoffenders, the majority of the crimes were irrational (action under influence of a sudden impulse, alcohol, drugs, etc.). Two-thirds armed robberies were committed with an accomplice or in a group, where irrational processes of group pressure, impressing, and

²⁷ M. BERNASIEWICZ: *Interakcjonizm symboliczny w teorii i praktyce resocjalizacyjnej*. Kraków 2011.

²⁸ P. PIOTROWSKI: *Rozbój...*

showing off before others occur, despite and against hazards. Only 25% of delinquents and 35% of reoffenders knew their victims. Could the mugging be rational in these cases?

6. **Robert Opora**²⁹ reflects on conditions of effective social rehabilitation process based on the cognitive and behavioural orientation; social rehabilitation is understood as education and psychological correction aimed at making changes in the system of beliefs of criminal persons (turning antisocial thinking into prosocial processes). According to the author, the educator is the key to success in the work with persons with conduct disorders (capable of making a positive interpersonal relation with them, planning the social rehabilitation process, setting realistic objectives, mastering the set of psychological correction methods, such as shaping motivation, giving feedback, overcoming resistance in the offender, etc.).
7. The book by **Monika Noszczyk-Bernasiewicz**³⁰ presents opinions (views) of the analysed pedagogical employees of juvenile detention centres and juvenile shelters (carers, teachers of subjects and occupation, educators, psychologists, and therapists) and students of social rehabilitation pedagogy with social prevention specialisation at the University of Silesia in Katowice as regards the issues of delinquency. The opinions of the subjects were analysed based on five components that make up the reaction pattern, namely: 1) Cognitive: understanding the phenomenon, knowledge of it; 2) Perceptory: perceiving phenomena and various forms of behaviour considered to deviate from standards (deviations); 3) Emotional: attitude to various controversial behaviours and phenomena, assessment of their harmfulness; 4) Behavioural: opinions on what measures should be used and forms of reaction for perpetrators of the assessed behaviours (declared behaviour); and 5) Instrumental: undertaking actions in a specific situation, an event, a form of behaviour. The statistical analyses were enhanced with expert interviews conducted with inspectors from the Department of Execution of Family and Delinquents Decisions of the Department of Execution of Decisions and Probation of the Ministry of Justice in Warsaw, effecting pedagogical supervision over these facilities, and with directors of juvenile detention centres (ZP) and juvenile shelters (SdN) located in the Silesian Province, that is, in Zawiercie, Pszczyna, and Racibórz. The results of the studies indicate, among others, the need to expand the early preventive measures system, which means work with families with alcohol problems, poverty, unemployment and violence and interactions at school. Work with juveniles (follow-up care) after leaving rehabilitation facilities is also necessary.

²⁹ R. OPORA: *Resocjalizacja: wychowanie i psychokorekcja nieletnich niedostosowanych społecznie*. Kraków 2010.

³⁰ M. NOSZCZYK-BERNASIEWICZ: *Nieletni przestępcy...*

8. **Anna Kurzeja**³¹ in her book describes a particular category of persons in danger, street children. By the description of the history of development of social work and its methods, the reader is acquainted with different approaches to helping children, who for different reasons spend most of their time in the street community (of a different character in Third World countries and of a different character in the richest countries). The reader learns about the pioneers of educational work with children, their philosophy of help, charisma and methods (Saint John Bosco, Janusz Korczak, Guy Gilbert, etc.). From the pedagogical point of view, the most interesting part is the one devoted to the description of work methods that are used by persons who work in the form of streetwork and social animation (animation of local society, but also animation towards street children, i.e., organisation of free time, individual motivating, forming the system of values, etc.).
9. The coursebook by **Ewa Wysocka**³² on the diagnosis in social rehabilitation is the most comprehensive Polish study on the theory of the diagnostic process and diagnostic models referring to deviant persons. In this work, one can find a description of tools serving the diagnosis of life and personality in the community of persons infringing the common law and legal norms.
10. **Krzysztof Biel**³³ discusses the dynamics and structure of criminality of juveniles in Poland in the years 1980–2006. The author presents theories and predictors referring to the phenomenon of criminality, with a particular focus on the character of female criminality. The second part of his work presents examination of a population of 100 juvenile females aged 13–18 in the juvenile detention centre in Warszawa–Falenica and the youth educational centre in Kraków–Łagiewniki. Among several hundred conclusions made by the researcher, one can distinguish the ones that refer to parents' attitudes towards delinquents: parents had no or almost no demands in the case of 34%, thus ignoring the necessity of behaviour control and motivating children to proper development; the mothers of the examined delinquents were more positive towards the juveniles than their fathers (positive attitude: 72.6% of the mothers compared to 46.7% of the fathers); negative relationship with the child was, according to the data, the fathers' domain (53.3% compared to 27.4% among the mothers). As far as the style of upbringing manifested by the parents is concerned, the most predominant was inconsistent – 50% (changeability and randomness of impacts on the child) and negligent – 26% (no or little childcare, no or few sanctions in the case of improper behaviour); then there also was the autocratic style – 22%, and the democratic style – 2%.

³¹ A. KURZEJA: *Dzieci ulicy – profilaktyka zagrożeń*. Kraków 2008.

³² E. WYSOCKA: *Diagnoza w resocjalizacji. Obszary problemowe i modele rozwiązań w ujęciu psychopedagogicznym*. Warszawa 2008.

³³ K. BIEL: *Przestępczość dziewcząt – rodzaje i uwarunkowania*. Kraków 2008.

In the years 2008–2015, there were also other valuable publications brought out in social rehabilitation pedagogy, which, if individually summarised, would unnecessarily lengthen this chapter. These include contributions by: **Mariusz Sztuka**,³⁴ devoted to historical and modern concepts of penalty and the possibility of criminals' rehabilitation; **Jacek Pyżalski**,³⁵ devoted to online violence; **Justyna Kusztal**³⁶ on the social rehabilitation system in Poland and in Germany; **Agnieszka Lewicka** and **Ewa Grudzińska**³⁷ on mediation; and **Małgorzata Michel**³⁸ on preventive programmes implemented in the local community and addressed to persons at risk of criminality.

The most significant conclusions from the above mentioned publications for the juvenile criminality and social rehabilitation of young offenders may be summarised in the following theses:

1. In the situation when the majority of criminals make no calculations of profits and losses with regard to their crime, one should put into question the populist opinion on the deterrent nature of high penalties and restrictive laws, which will magically decrease criminality. In Piotrowski's examinations, only 35% of juvenile robbery perpetrators made the calculation of profit and/or risk before committing the crime; further 30% admitted that their act was irrational, made on sudden impulse; only 25% of perpetrators planned some aspect of the course of crime to the effect that as many as 75% of criminals were characterised by "situational approach" during the committed crime;³⁹ similarly, in the examinations carried out by K. Biel⁴⁰ only 48% of the examined minor females staying in social rehabilitation institutions in connection with committing a crime admitted that their crimes were planned.
2. The major responsibility for juvenile criminality is borne by family community, where the most important are parental attitudes towards their children and different pathologies that the families suffer (addictions, violence, punishing).
3. Since the level of recidivism is in the highest degree connected with the occurrence of crime at the early stage of individual development (the earlier the criminal initiation, the worse the prognoses in the scope of desistance from crime), activation of community programmes (work with children with

³⁴ M. SZTUKA: *Anachronizm i aktualność...*

³⁵ J. PYŻALSKI: *Agresja elektroniczna i cyberbullying jako nowe ryzykowne zachowania młodzieży*. Kraków 2012.

³⁶ J. KUSZTAŁ: *System resocjalizacji młodzieży niedostosowanej społecznie w Polsce i Niemczech*. Kraków 2008.

³⁷ A. LEWICKA, E. GRUDZIŃSKA: *Mediacja sądowa. Alternatywna metoda resocjalizacyjna?* Lublin 2010.

³⁸ M. MICHEL: *Lokalny system profilaktyki społecznej i resocjalizacji nieletnich*. Warszawa 2013.

³⁹ P. PIOTROWSKI: *Rozbój...*, pp. 230–237.

⁴⁰ K. BIEL: *Przestępczość dziewcząt...*, p. 307.

conduct disorder in community centres, court guardianship, and streetwork) or, if all other means fail, even placement of a delinquent in a good social rehabilitation institution to prevent further demoralisation of the juvenile seem to be the best method to prevent and fight criminality.

The most important scientific works in the field of criminology analyses (in Poland it is a subdiscipline of law) published by Polish lawyers in the recent years include:

1. The publication by **Marianna Korcyl-Wolska**⁴¹ discusses the liability of minors in detail (one of the statutory definitions states that minors are persons who have attained 13 years of age at the moment of committing a penal act and have not attained 17 years of age). The author discusses the procedures and provisions, as well as the powers of various entities in proceedings conducted in relation to minors before family courts, in the scope of penal acts committed by the minors, or in proceedings concerning demoralisation preventing and combating (in Poland, the following are considered as its symptoms: systematic avoidance of the compulsory education or vocational education, using alcohol or other agents in order to become intoxicated, sexual relations, loitering – which constitute an array of acts considered in the US as *status offenses*, that is, forbidden by law only when they are committed by an under-age person).⁴²
2. *Zagrożenia ładu społecznego* by **Bruno Hołyst**.⁴³ In volume 1 the author describes the notion of social order and pathology, which he defines in methodological, ethical, legal, economic, and medial aspects. The crime thread (white collar crime, etc.) constitutes a permanent perspective of these deliberations. In volume 2 the author discusses aggression, violence, natural environment pollution, cybercrime, suicides, uncontrollable consumption, stereotypes, prostitution, alienation, trust and privacy erosion in interpersonal relations, corruption, cults, poverty, homelessness, and cyberterrorism, that is, the whole range of social phenomena on the borderland of crime, deviation, and social pathology.
3. The publication by **Andrzej Bałandynowicz**⁴⁴ is a review of various faces of penal policy all over the world (USA, Great Britain, Scandinavian countries, France, and Italy). In the study, one can find a description of isolation penal measures and contemporary examples of the ineffectiveness of social rehabilitation with the use of prison isolation. On account of that, the author demands a broader application of intermediate penalties and freedom penal-

⁴¹ M. KORCYL-WOLSKA: *Postępowanie w sprawach nieletnich na tle standardów europejskich*. Warszawa 2015.

⁴² See. B. STAŃDO-KAWECKA: *Prawo karne nieletnich. Od opieki do odpowiedzialności*. Warszawa 2007, p. 35.

⁴³ B. HOŁYST: *Zagrożenia ładu społecznego*, Vols. 1 and 2. Warszawa 2013.

⁴⁴ A. BAŁANDYNOWICZ: *Probacja. Resocjalizacja z udziałem społeczeństwa*. Warszawa 2011.

ties (compulsory treatment, compulsory social work, fine, etc.) The author describes in detail the methods of social inclusion of deviants he calls for, such as individual therapy, group therapy, environmental therapy (workplace, groups of friends, local society, etc. within which a probation officer organises a social support system for a deviant, assists in organisation of free time, etc.).

4. *Kuratela sądowa. Sukcesy i porażki*, an academic work written by **Dobrochna Wójcik**,⁴⁵ is a compendium of knowledge on legal and methodological aspects of work of court probation officers in Poland. A similar versatility of perspective of court probation is presented in the joint publication edited by **Tadeusz Jedynak** and **Krzysztof Stasiak**.⁴⁶
5. The work by **Teodor Szymanowski**⁴⁷ describes the phenomenon of recidivism, its historic and current presentations in the Polish law (general, special, penitentiary, multiple recidivism and its other types). Having read the book, one may realise that recidivism can be variously understood, depending on the type of the interpretation assumed in the legal act. The current penal code applies the notion “relapse into crime,” where the following premises are essential: the period of serving the sentence, another crime committed deliberately, and the type of the crime. At the same time, the executive penal code speaks of “penitentiary recidivism,” for which the above premises are irrelevant, since in this case two circumstances are important: the fact of being punished another time for an intentional offence or misdemeanour and the time of committing the offence another time. Later, the author discusses the increase in the number of convictions in the period from 1989 to 2007 (from 93 thousand to 426 thousand) caused – according to Szymanowski – by higher detectability of offences (increase in confidence in the police as a result of system transformation), increase in prosperity in Poland, and penalisation of conducts which were not punished earlier, among others drug possession or driving while intoxicated. Statistical analyses conducted by the author have also proved that this increase was not accompanied by an increase in the number of reoffenders. Moreover, it was a period when three penal liability systems with various level of repression were binding, which allowed the author to formulate a hypothesis on the lack of correlation between the degree of recidivism and the manner of punishment (in the analysed period of 20 years, recidivism remained on a relatively constant level). The author also discusses his own catamnestic research on a sample of 3,044 convicts, attempting to determine the size of recidivism. The criminal record was verified three years after they were let out from prison (release in 2001). Men were

⁴⁵ *Kuratela sądowa. Sukcesy i porażki*. Ed. D. WÓJCIK: Warszawa 2010.

⁴⁶ *Zarys metodyki pracy kuratora sądowego*. Eds. T. JEDYNAK, K. STASIAK.: Warszawa 2010.

⁴⁷ T. SZYMANOWSKI: *Recydywa w Polsce. Zagadnienia prawa karnego, kryminologii i polityki karnej*. Warszawa 2010.

convicted again in 58.9% of cases, whereas women in 36.6%. The discussed publication is an impressive compendium of knowledge on reoffenders. The reoffenders are more often single men than spouses, young offenders (17–21 years of age) rather than persons in later age categories, persons statistically more often addicted to illegal drugs or alcohol and unemployed. Recidivism most frequently relates to offences against property and least frequently, to murders. What is also interesting is the empirical conclusion presenting a lower level of recidivism in persons who were subject to non-isolation penalties (court probation, restriction of liberty) than the recidivism degree in persons sentenced with the penalty of imprisonment.

6. A highly informative publication by **Wojciech Zalewski**⁴⁸ on “incorrigible” offenders (Ger. *unverbesserliche*, Pol. *niepoprawni*) already in its title applies a term which was in use in Poland in the interwar period (1918–1939) to describe a professional criminal, a reoffender. It seems that today we should speak of an “uncorrectable” offender. The notion of an “untreatable” or “incurable” offender can also be used – such notions were used in a closer time perspective by Polish special⁴⁹ and social rehabilitation researchers.⁵⁰ All the above notions – the one applied by Zalewski in the title of the book and the ones we have suggested – are still less popular than those used most often in criminology of the Anglosphere to describe this type of a criminal: habitual criminal or a persistent criminal. Anyway, the book describes a historical and penal approach to criminals who, for various reasons, will remain criminals, irrespective of the therapeutic or penitentiary actions taken in relation to them. The author is very precise in describing the polemics of well-known criminologists of the 19th and 20th centuries (Lombroso, Ferri, Garofalo et al.), using, which is worth stressing, English, Italian, French, and German sources. The criminologists, subsequently described by the author, were deciding upon the evolution of penal policy, from classical criminology to penal-welfare complex. In the book we can find a discussion of a development of the European and non-European legal systems to apply preventive measures in relation to professional criminals who, having served imprisonment, were still isolated thanks to the application of indeterminate sentences. Detention in preventive centres (labour camps, treatment facilities, etc.) which were not much different from prisons, for periods which lasted, depending on the legal system, from several years to life sentence, most often concerned repeaters committing thefts. Therefore, societies of the 20th century were not necessarily fighting the most dangerous criminals. In the period of communist regime

⁴⁸ W. ZALEWSKI: *Przestępca niepoprawny – jako problem polityki kryminalnej*. Gdańsk 2010.

⁴⁹ J. DOROSZEWSKA: *Pedagogika specjalna. Podstawowe problemy teorii i praktyki rewalidacji poszczególnych odchyleń od normy*, Vol. 2. Wrocław 1989, p. 32.

⁵⁰ H. MACHEL: “Wsparcie społeczne a efektywność resocjalizacji penitencjarnej.” In: *Wsparcie społeczne w rehabilitacji i resocjalizacji*. Eds. Z. PALAK, Z. BARTKOWICZ. Lublin 2004, p. 200.

in Poland (1945–1989), the notion of incorrigible offenders was eliminated since it was believed that social rehabilitation of each person is possible (in particular by work). Initially, reoffenders were treated as leniently as persons who were punished for the first time. However, the attitude to reoffenders was becoming stricter, although the belief in the possibility of social rehabilitation still remained firm. With time, social prevention facilities started to be used again; reoffenders considered as permanently dangerous for the society were placed there. In the last part of the book, the author discusses the contemporary legal condition, concerning the application of preventive measures in the form of application of post penal detention. Currently, this method is present in the jurisdiction of numerous states of the European Union (it is applied by Nordic countries, such as Denmark, Norway, Finland, as well as Germany, Switzerland, Great Britain, or, last but not least, Poland). In most of the aforementioned countries, it takes the form of an indeterminate sentence, leaving the judges the possibility to adjudicate on exemption from it in the situation when they are convinced that the convict has been rehabilitated.

7. In the first part of his book, **Witold Klaus**⁵¹ describes the evolution of the manner of defining the lower children penal liability threshold, which in various historic periods and in various societies was either absent (children were sentenced the same way as adults) or specified as a censorship of an absolute legal unaccountability in the period from 7 and 18 years of age (in the Roman law, 4th century BC, it was 7 years of age and today, depending on the country, it expands from the 9 years of age in Scotland to the 18 years of age in Belgium and Luxemburg). In the main part of the book, the author presents his own research concerning delinquency of minors under the age of 13 (younger juveniles, children category). In the course of studying court files of younger juveniles (307 respondents), whose cases for committing a prohibited act (only treated as a demoralisation symptom due to the fact that they had not attained 13 years of age) were adjudicated between 2000 and 2004 in family and juvenile court divisions in the area of operations of the regional court in Warsaw (these are 10 courts with 14 divisions), the author has found, inter alia, that younger juveniles commit, most of all, offences against property (thefts and damage to property constituted over 53.4% of all acts) and, later, offences against persons with the use of violence (27.4%) and other ones. Only 26.0% of the respondents committed a prohibited act alone. The others did it at least with one accompanying person. Moreover, the author discusses in detail the structure (types) of the reformatory and custody measures applied by judges in relation with demoralisation of younger juveniles. At the same time, he notes numerous adjudication controversies.

⁵¹ W. KLAUS: *Dziecko przed sądem. Wymiar sprawiedliwości wobec przestępczości młodszych nieletnich*. Warszawa 2009.

Most of all, they consist in discontinuation or renouncing of the proceedings (this was the nature of most of the measures applied by judges in this age category) with obviously unfavourable symptoms of the juvenile's demoralisation and, sometimes, adjudication contrary to the measures recommended by court probation officers or employees of Family Diagnostic and Consultation Centre⁵² (in the Polish system they are entities which provide judges with expert knowledge on the development of juvenile's personality and the quality of his/her educational environment). What constitutes a very interesting part of the book are analyses of the dynamics of juvenile delinquency, encompassing the period from the 1990s to 2008. These analyses make one realise how difficult and relative it is to apply the statistical method in science. In Poland, crime researchers base their analyses both on police statistics (detected crime; at the same time, it is the statistics which is most often quoted by criminologists) and court statistics (judged crime). Sometimes, penitentiary statistics are also used (these include adults who were sentenced for imprisonment).⁵³ The conclusions drawn from individual statistics may be deceitful and due caution must be exercised in their interpretation. For instance, Klaus, based on the data of the General Police Headquarters, recorded a decline in the number of younger juveniles committing prohibited acts in the years 2000–2008 (juveniles below 13 years) from 3,744 to 2,271. At the same time, this researcher draws a conclusion that politicians and the media are wrong to claim that we are facing a decline in the age of underage offenders. However, broader analyses (taking into consideration demoralisation of juveniles) are not so optimistic and confirm the intuition of the mass media when it comes to the assessment of the phenomenon of the general amount of younger juveniles brought to court in Poland. The analysis of court statistics conducted by Monika Noszczyk-Bernasiewicz⁵⁴ confirms the increasing trend. The overall number of juveniles under 13 years of age (due to their demoralisation, not only the punishable act attributed to them) amounted to 2,801 in 2000 and by 2008 it rose to 3,928 cases. Therefore, there was an increase by 1,127 (40.2%) in the category of persons under 13 years of age. The number of juveniles (not only those who committed the prohibited acts mentioned by Klaus based on police statistics, but also demoralised juveniles involved in tramping, sexual initiation, abuse of alcohol or other agents with the aim of intoxication, etc.) who were under 13 rose by almost a half in the period 2000–2008. The introduction of the new age category up to 5 years of age in 2004 by the Statistics Department of the Ministry of Justice corresponds to this trend. In the earlier reports, the lowest juvenile age category

⁵² On 1st January 2016 they changed their name to consultative court specialist teams (*opiniodawcze zespoły sądowych specjalistów* – OZSS).

⁵³ Zob. B. TOROŃ: *Przestępczość skazanych kobiet...*, p. 341.

⁵⁴ M. NOSZCZYK-BERNASIEWICZ: *Nieletni przestępcy...*, p. 20.

were persons up to 7 years (the year 2000; between 2001 and 2003 the lowest age category was up to 9 years). To sum up, only the juxtaposition of various statistics gives us the specific image of the reality. The decrease in the level of delinquency caused by younger juveniles (police statistics) was accompanied by a considerable increase in the number of juveniles brought to family court for demoralisation behaviours. Also, an analogous regularity was observed in the overall number of juveniles up to 17 years of age. Between 2000 and 2012, the number of punishable acts committed by this group of persons decreased slightly (this does not relate to females – an increase in the number of prohibited acts was observed among them); however, the overall number of juveniles increased as a result of the increase in the phenomena from the scope of demoralisation – the increase from 8,878 to 15,247 juveniles (i.e., by 72%). In the end, it must be stressed that the decreasing trend in the number of prohibited acts committed by juveniles should be much more distinct than the one that was observed between 2000 and 2012. Between 2000 and 2012, the number of people in the age category 13–17 dropped by over one million (exactly by 1,154,601 people⁵⁵), which means that only the age category 13–17 decreased by 36%. It seems that the decrease in punishable acts among juveniles from 25,667 in 2000 to 20,980 in 2012 poorly reflects the decrease in the population which affected this age category. At the same time it should be borne in mind that among females even an increase in the number of punishable acts was recorded (from 2,675 in 2000 to 4,092 in 2012).

8. *Atlas przestępczości w Polsce* (A Crime Atlas of Poland) issued four times in 1994, 1999, 2003, and 2009, by **Andrzej Siemaszko**, **Beata Gruszczyńska**, and **Marek Marczewski**.⁵⁶
9. The book by **Monika Płatek**⁵⁷ has filled the niche in the Polish-language scientific literature concerning codified penitentiary law, prison organisation, as well as the social rehabilitation idea and practice applied in such states as Sweden, Norway, Denmark, or Finland.

In order to provide a short synthesis of the most often repeated contents and conclusions in the publications by Polish criminologists (lawyers), one should start from the commonly expressed belief in the superiority of non-isolation penalties over imprisonment. This belief was put into practice in Scandinavian penitentiary systems, where prison constitutes an ultimate measure in the structure of penalties. Such penalties as fines, court probation, social works, and electronic monitoring are well-recognised in these systems. A completely different situation is observed, for instance, in Poland, where politicians are completely unwilling

⁵⁵ *Population according to sex and birth. State as of 31st December 2009*; <http://demografia.stat.gov.pl/bazademografia/Tables.aspx> (2.2.2015)

⁵⁶ A. SIEMASZKO, B. GRUSZCZYŃSKA, M. MARCZEWSKI: *Atlas przestępczości w Polsce 1–4*. Warszawa 1994, 1999, 2003, 2009.

⁵⁷ M. PŁATEK: *Systemy penitencjarne państw skandynawskich*. Warszawa 2007.

to listen to criminologists, which results in the fact that the aforementioned non-isolation penalties, although present, are adjudicated much less frequently than imprisonment (suspended or as absolute deprivation of liberty). Publications of lawyers are mostly of a comparative nature. Therefore, most often we can learn from criminological works, how the upper and the lower threshold of liability of juveniles is defined in various states all over the world, we can learn about the dynamics of delinquency, catalogue of penalties and the assumed model of penal policy (neoclassical, oriented towards a just return for the committed act, or positivist, oriented towards social rehabilitation of the offender who is, at the same time, a victim of their life environment).

In the psychological perspective, the following analyses are worth noting:

1. **Jan M. Stanik**⁵⁸ developed a handbook of the still developing forensic psychology (also called legal psychology or criminal psychology). It is a promising scientific discipline undertaking the issue of crime regarded as a disorder in the normal moral development of the man and a science of the psychological mechanisms behind the origin of crime. By grounding his considerations in the model of cognitive psychology, Stanik creates a construct of structurally and functionally defective asocial personality. Criminals with such a personality suffer from numerous disorders of behaviour-regulating mechanisms. One of them is the lack of ability to defer immediate gratification. And although, just like all other people, social deviants also set themselves life goals for the future, they never fulfil them. They only make life choices that are focused on the “here and now.” It is worth noting that the book contains many creative and original insights, such as the criticism of mental resilience of an individual, a concept which is hugely popular in Poland nowadays⁵⁹ and which Stanik considers to be an unnecessary theoretical construct, as its scope of meaning is covered by the concept of self-control, well-grounded for decades. According to Stanik, self-control that prevents one from committing a crime is the ability to act rationally, control the states of frustration, resolve internal conflicts, etc., which an individual acquires in the course of the constructive cognitive-evolutionary development of personality structures. According to Stanik, the process of acquiring this skill is best described by Piaget, Kohlberg, Havighurst, and Erikson. An individual acquires self-control mechanisms that are essential in terms of conformity (inhibition in the impulsive and emotional plane, an adequate self-esteem, the internalisation of values) in the course of socialisation. It is the educational aspect (family, school, peers) and its ineffectiveness (the process of desocialisation) which

⁵⁸ J.M. STANIK: *Psychologia sądowa. Postawy, badania, aplikacje*. Warszawa 2013.

⁵⁹ See: R. OPORA: *Ewolucja niedostosowania społecznego jako rezultat zmian w zakresie odporności psychicznej i zniekształceń poznawczych*. Gdańsk 2009; I. MUDRECKA: “Wykorzystanie koncepcji *resilience* w profilaktyce niedostosowania społecznego i resocjalizacji.” *Resocjalizacja Polska* 5 (2013), pp. 49–61.

leads to the formation of asocial personality that comes to the fore in the analyses carried out by the author.

2. **Beata Pastwa-Wojciechowska**⁶⁰ presents international achievements in the field of over 100-year-old research on the phenomenon of psychopathy. Psychopathy is a very popular term among psychiatrists, psychologists, and criminologists. Used by them in the analyses of the most violent crimes, it does not enjoy as much popularity in the major classifications of mental health problems, in which we find descriptions of disorders that bear a striking resemblance to psychopathy, but appear under different names. The author writes that the relationship between the so-called APD, antisocial personality disorder (DSM-V classification), and psychopathy is largely synonymous, but at the same time asymmetrical. As many as 90% of adults with diagnosed psychopathy meet the diagnostic criteria for APD, but among those that meet the criteria for APD, only 25% are diagnosed as psychopaths. Hence, probably about three-quarters of all offenders are individuals diagnosed with APD, but only 15–20% of those who violate the rules of law are psychopaths. In the second most popular International Classification of Diseases (ICD), a term closest to the concept of psychopathy is conduct disorder – CD. In her analyses, the author focuses primarily on a specific category of psychopaths, namely, sex offenders. It is psychopathy that very strongly correlates with committing rape, acts of paedophilia, murder, and particularly serial sexual murders. It is a valuable position on the market of publications which analyse the phenomena most shocking to communities and their morality.
3. A publication by **Mieczysław Radochoński**⁶¹ is also dedicated to characterising antisocial personality.
4. A book by **Magdalena Rode**⁶² is an exceptional publication in the Polish market, indicating thinking styles as a predictor of criminal behaviour; according to this concept, criminal behaviour is only the moderator of criminal thinking (the author adopted the criminal thinking profiles from Glenn Walters). The book presents correlations between a number of environment and personality variables, and types of criminal thinking. The author confirmed the presence of distorted thinking in 114 surveyed criminals. Thus, she indicated specific environmental and personality risk factors for the occurrence of the characterised thinking styles.
5. *Kompetencje komunikacyjne nieletnich* by **Anna Wojnarska**⁶³ is an empirical publication comparing the results of research conducted on socially maladjusted persons (N=100 persons attending probation centres) with the results of a study on a group of people presenting no behavioural problems

⁶⁰ B. PASTWA-WOJCIECHOWSKA: *Psychopaci – sprawcy przestępstw seksualnych*. Gdańsk 2013.

⁶¹ M. RADOCHOŃSKI: *Osobowość antyspołeczna*. Rzeszów 2009.

⁶² M. RODE: *Style myślenia przestępczego...*

⁶³ A. WOJNARSKA: *Kompetencje komunikacyjne nieletnich*. Lublin 2013.

or not committing offenses (N=100 junior high and high schools students). The comparison of the test results showed, among others, that the surveyed minors (delinquents) had a significantly lower average level of intelligence than their peers from the other group. The respondents were also raised in poorer family conditions. They descended primarily from single-parent families (47%), where there was a problem of alcoholism (54%), chronic diseases (20%) and criminality of a parent or a sibling (55%). However, the essential part of the study is a report showing that the level of social skills and communication skills displayed by them is significantly lower in the surveyed delinquents than in their peers showing no symptoms of maladjustment. The delinquents particularly demonstrate difficulties in verbal communication. These difficulties are reflected in poorer vocabulary, that is, a limited code (poor lexis, syntax, and semantics) and in practice lead to the inability to talk about their problems and use help in solving them. This causes a build-up of loneliness, stress, and depression.

6. **Joanna Róžańska-Kowal**⁶⁴ examined the following three groups: 126 minors housed in juvenile detention centres (ZP) and juvenile reform centres, 128 high school students and 114 school-aged volunteers. Dozens, even hundreds of correlations, which the author made between antisocial behaviour and prosocial behaviour on the one hand, and personality factors of motivation (e.g., the level of empathy), social factors of motivation (e.g., the impact of the educational group) and situational factors of motivation (e.g., the frequency of experiencing temptation) on the other, have brought either ambiguous or fairly obvious conclusions. The majority of the conclusions resemble the ones obtained in the study of the level of aggressiveness. While the female juvenile delinquents presented higher levels of aggression in the psychological tests than the females from secondary schools and the volunteers, proneness to aggression in males was similar in all the groups. Some of the findings are surprising and difficult to interpret, for instance, when the surveyed delinquents revealed higher propensity to undertake volunteer activities than the secondary schools students. The author interprets this result rather unconvincingly as connected with the fact that the young offenders felt more disadvantaged and it was easier for them to put themselves in the position of people with similar personal and family circumstances. However, the author did not take into account that the surveyed delinquents from the rehabilitation facilities were often encouraged to participate in volunteer programmes as part of the rehabilitation offer, which seems to have become a peculiar fashion of sorts in the rehabilitation centres.⁶⁵ This may be an explanation for such a high level

⁶⁴ J. RÓŻAŃSKA-KOWAL: *Motywacja zachowań prospołecznych i antyspołecznych nieletnich*. Kraków 2010.

⁶⁵ See K. GRUDZIŃSKA: "Wolontariat skazanych odbywających długoterminowe kary pozbawienia wolności." In: *Współczesne uwarunkowania i wzory procesów resocjalizacji, reintegracji,*

of volunteering among the delinquents, who eagerly take advantage of the programmes, perceiving the participation in them as an attractive activity and also as an opportunity to go beyond the walls of the facility. As for the pro-social behaviours, juvenile offenders demonstrated them more often than their peers from high schools in another area – looking after the younger siblings. The author rightly points out that this may be due to the specific nature of the delinquents' family backgrounds (many children, dysfunctional parents, and frequent lack of the father). The children from these families are doomed to providing each other with support which they cannot count on their parents to provide.

The described publications by psychologists share a common element. The psychologists do not focus solely on the description and the exploration of biological or regulatory mechanisms of the human personality, but equally often analyse the environmental (family-, school-, and peer-related) determinants of crime, recognising their hidden potential or threats. The role of social skills, experience and social patterns, which a person acquires in his or her social environment, and which adequately adjust human behaviour, makes psychologists increasingly “venture” into areas previously explored by sociologists and educators (social rehabilitation scholars).

In recent years, Polish sociologists have very rarely engaged in the analysis of the phenomenon of crime. The few authors who undertook this issue include:

1. **Piotr Chomczyński**,⁶⁶ whose research objective was to study interactions among the youth at juvenile detention centers (ZP) and juvenile shelters (SdN) and among the young offenders and the staff employed at the facilities. The author chose the interpretative paradigm, drawing primarily from the theory of symbolic interactionism. He collected data through in-depth interviews conducted with 54 teachers and 43 juvenile offenders. The empirical material was supplemented by participant observation (explicit observation); analysis of recorded footage (from CCTV cameras installed in the facilities), photographic material and personal background documentation of the juvenile delinquents. In this way, the author generated conclusions relating to the following research areas: “parallel life” in the researched institutions (the so-called prison slang) as a phenomenon increasingly less common in the life of the facilities, but at the same time still disrupting the rehabilitation process; the dynamics of the process of admitting a new delinquent into the facility (acceptance ritual, verification of the identity of “the new one” by other offenders and by the staff; the processes of degrading “the new one” by other delinquents if he was admitted into the facility as a perpetrator of

inkluzji. Eds. K. MARZEC-HOLKA, K. MIROSLAW-NAWROCKA, J. MOLEND. Warszawa 2014, pp. 487–498.

⁶⁶ P. CHOMCZYŃSKI: *Działania wychowanków schronisk dla nieletnich i zakładów poprawczych. Socjologiczna analiza interakcji grupowych*. Łódź 2014.

domestic violence or as a rapist); or possibly an appreciation ritual, promoting the young criminal to the rank of the leader. The author then analysed the attitude of juvenile delinquents to homosexuality (negative among males and approved by females, who often voluntarily entered into this type of interaction in isolation facilities); strategies for coping with negative emotions (e.g., by focusing on the future, avoiding conflicts, self-mutilation, etc.). These are only selected areas of the life at the juvenile detention facility or a juvenile shelter discussed in the monograph.

2. **Ewa Czerwińska-Jakimiuk**⁶⁷ verified Robert Agnew's theoretical model by studying the population of 179 young offenders from penitentiary institutions (persons who at the time of committing an offense were under 21 years of age and during the first instance ruling were below 24) and a community of 145 last-year students of technical and vocational schools. Through regression analysis, the author revealed the strongest link between criminal behaviour and "negative life events" which the young offenders had experienced (correlation coefficient equal to or greater than 0.5). Among many other predictors of criminal behaviour studied by her, stressful experiences and traumatic events proved to be the strongest variables in the aetiology of criminal behaviour. The category of negative life events that differentiated the two studied groups (offenders and students), which were also statistically significant, included the parents' divorce (32% of offenders, and 6.9% of non-offenders), criminal conviction of one of the parents or siblings (31.5% vs. 7%, respectively), violation of the law (75% vs. 5.5%), change of schools (30.9% vs. 4.1%), and heartbreak (43.8% vs. 25.5%). Moreover, compared to the control group of students, the young offenders significantly more often experienced a lack of social control by parents and schools, showed lower aspirations related to further education, often manifested low self-esteem and demonstrated external attribution of the reasons for failure.
3. *Socjologia Szkoły Chicagowskiej i jej recepcja w Polsce* by **Krzysztof Czekaj**⁶⁸ is a thematic monograph on one of the most famous American schools of sociology, in which the pioneering subject of crime as an urban phenomenon has been undertaken multiple times. It is also worth noting that the world's first juvenile court (Cook County Chicago) was founded in Chicago in 1899. The subject of crime, in particular the crime committed by minors, was undertaken by sociologists working in the Department of Sociology at the University of Chicago and scholars somehow associated with the Chicago School (1915–1942). They were: Edith Abbott and Sophonisba Breckenridge (*The Delinquent Child and the Home*, 1912), William I. Thomas (*Unadjusted Girl*, 1923), and Frederick M. Thrasher (*The Gang. A Study of 1,313 Gangs in*

⁶⁷ E. CZERWIŃSKA-JAKIMIUK: *Przestępczość młodocianych...*

⁶⁸ K. CZEKAJ: *Socjologia Szkoły Chicagowskiej i jej recepcja w Polsce*. Katowice 2007.

Chicago). The person who stood out in the field of criminological analyses was the author of several monographs on the subject, Clifford R. Shaw, who cooperated with a team of other scientists (producing works such as: *Delinquency Areas: A Study of the Geographic Distribution of School Truants, Juvenile Delinquents, and Adult Offenders in Chicago*, 1929), with Henry D. McKay (*Juvenile Delinquency and Urban Areas. A Study of Rates of Delinquency in Relation to Differential Characteristics of Local Communities in American Cities*, 1942) or published independently (*The Jack-Roller. A Delinquent boy's own story*, 1930). It was C. R. Shaw's studies that prepared the ground for the theory of diverse relationships by Edwin H. Sutherland (the first theses of which were presented in the work: *The Professional Thief. By a Professional Thief. Annotated and Interpreted by Edwin H. Sutherland*, 1937). The most important conclusions of the studies conducted by the above-mentioned criminologists included a thesis that crime was a consequence of social disorganisation (especially the lack of social control from local communities), and in particular resulted from the disorganisation of the family. Another detected regularity informed that the areas surrounding city centres had the highest incidence rates of crime, while the city outskirts had the lowest. In Czekaj's publication, the subject of crime is only one of many topics discussed, just as it was only one of many problems undertaken by the sociologists from the Chicago School. This group of American sociologists invented and popularised a technique of describing social problems by preparing maps, which consisted, among others, in marking the sites of crimes on streets and in neighbourhoods according to the addresses of the perpetrators. However, such maps were created to illustrate many other important social issues, such as poverty, ethnic diversity, disorganisation of family life, mental disorders, suicide, and many others.⁶⁹

4. In the context of the analysed period, one should also mention the publication of a series of books by **Jacek Kurzępa**⁷⁰ on the phenomenon of prostitution. Sociologists' approach to the phenomenon of crime does not differ significantly from the direction of research conducted by social rehabilitation scholars or psychologists. Slightly more frequently accentuated in the sociological monographs is the dimension of minutely analysed social interactions, or, on the contrary,

⁶⁹ "Social problems and social pathologies were both traceable and mappable by zones. . . . Concentric zones, radiating out from Chicago's central business Loop (a geographical zone quite literally enclosed by an oval loop of overhead railway lines) were mapped and then analyzed in terms of the constitution and stability of their populations." Ch. JENKS: *Subculture. The Fragmentation of the Social*. London 2005, p. 65.

⁷⁰ J. KURZĘPA: *Młodzi, piękne i niedroży. Młodość w objęciach seks biznesu*. Kraków 2012; J. KURZĘPA: *Młodzież pogranicza – „świnki” czyli o prostytucji nieletnich*. Kraków 2010, J. KURZĘPA: *Zagrożona niewinność. Zakłócenia rozwoju seksualności współczesnej młodzieży*. Kraków 2007

there dominates a macro-scale approach to crime (crime as an urban phenomenon). Sociologists' publications less frequently conclude with postulates for changes in the field of crime prevention and rather tend to present the theoretical conceptualisation of the issues discussed.

The above review of the relevant literature leads to a conclusion that the most active researchers of the crime-related phenomena in Poland are social rehabilitation scholars (pedagogues) and lawyers (criminologists).

CHAPTER 12

Contemporary trends in restorative justice and diversion programmes in the United States, Germany, England, and Poland

The development of non-judicial responses to petty crime and following the administrative rather than the court procedure, which is currently observed in the world, seems to be the right measure of the reform of the legal systems of western countries, wherein, regrettably, legal proceedings and imprisonment are still prevalent (the rates of incarceration are still increasing, prisons are becoming more and more overcrowded, while the awareness of harmful effects of isolation in “totalitarian” institutions is growing). John Braithwaite noted that societies which practised inclusionary shaming, such as Japan, enjoyed far lower crime (and imprisonment) rates than those which practised punitive, exclusionary policies, such as the USA.¹ Cost effectiveness of the forms of reaction in the model of restorative justice in comparison to the high economic calculation of the traditional retributive justice constitutes an additional argument for reforming penal policy.² The maintenance cost of one imprisoned person in Poland amounts to approximately 3,000 PLN per month (2015 year), the cost of serving a sentence in the system of electronic monitoring is several times lower (530 PLN in 2012),³ whereas the estimated cost of probation (supervision) in the

¹ J. BRAITHWAITE: *Crime, Shame and Reintegration*. Cambridge 1989, cited in D. DOWNES: “Crime and deviance.” In: *Sociology. Issues and Debates*. Ed. S. TAYLOR. Houndmills–Basingstoke–Hampshire 2000, p. 251

² Former inhumane forms of avenging the wrong, such as pillory, flogging and other elaborate forms of inflicting suffering on an individual, were considerably economically inexpensive. Nowadays they have been replaced with the penalty of incarceration, which is far more expensive and, which poses a curious paradox, sometimes induces more damage in the person’s life (e.g., the loss of job, collapse of the marriage, or harassment from the co-sentenced) than the former, inhumane forms of expiation.

³ P. NASIŁOWSKI: “System dozoru elektronicznego w Polsce – implikacje dla więziennictwa.” In: *Profilaktyka społeczna i resocjalizacja w nurtach inkluzji. Doświadczenia, problemy, perspektywy międzynarodowe*. Eds. B. JEZIEŃSKA, A. REJZNER, P. SZCZEPANIAK, A. SZECÓWKA. Warszawa 2013, p. 459.

open environment is merely a few dozen PLN.⁴ Leaving the offender in the local community with the specific task of redress to do has the apparent advantage of an economic nature.

The awareness of the aforementioned benefits of the restorative justice (also in Poland there is a growing number of scientific studies dealing with this matter, which is demonstrated in the literature query carried out in the previous section) has not altered the Polish penal policy, where imprisonment is far more often adjudicated than a fine or restriction of liberty (along with unpaid work), and where the courts are still the only authorised institutions to make a judgment about criminal offence. In this regard, other public bodies (police, social workers, etc.) have virtually no prerogatives, which are now enjoyed by such agencies in the United States or the European Union countries. Although the proposal of appointing administrative commissions intended to deal with the cases of juvenile delinquents along with courts was seriously considered in Poland as early as in the 1970s, it did not eventually attract many supporters; hence, it was abandoned⁵ in the law on juvenile justice.⁶ In 2007, another attempt was made at de-juridification of penal conflict in Poland. In the juvenile delinquents bill in Art. 101 point 1, the police was equipped with an interesting mechanism that protects the juvenile delinquent against the court trial by enabling the police to withhold the initiation of the proceeding after having given the offender a word of warning, whereas, in the case of inflicted damage, the warning could be given after the repair of the damage or the private arrangement with the aggrieved.⁷ This and other projects intended by the legislature to replace the current law on juvenile justice have never been brought into force.

Restorative justice is becoming increasingly prevalent in legislative solutions of the countries of the North Atlantic culture. In this model, all parties affected by crime (the victim, the community, and the perpetrator) meet together to face the consequences of the crime. The greatest advantage of restorative justice is the possibility of compensation to the victim by the offender and the improvement of the prospects for the victims' and the community's safety without any additional penalties for criminals and without their stigmatisation and exclusion.⁸ The idea of guilt recognition and response to minor crimes undertaken outside the court, that is, the idea to delegate penal policy outside the institutional system of justice

⁴ J. FELCZAK: *Polski system penitencjarny. Racjonalizacja kosztów*. Warszawa 2014, p. 144.

⁵ See: W. KLAUS: *Dziecko przed sądem. Wymiar sprawiedliwości wobec przestępczości młodszych nieletnich*. Warszawa 2009, pp. 62–63.

⁶ The Act of 26 October 1982 on proceedings in juvenile cases, with amendments (Dz.U. [Journal of Laws] No. 35, item 228).

⁷ W. KLAUS: *Dziecko przed sądem...*, p. 372.

⁸ B. A. HUDSON: *Understanding Justice. An Introduction to Ideas, Perspectives and Controversies in Modern Penal Theory*. Berkshire 2003, p. 92.

(diversion), appeared simultaneously in countries such as New Zealand, Canada, and Australia.⁹ Restorative justice enables assuring the local community that the perpetrator shoulders the responsibility for the offence, while the criminal confronted with the aggrieved party (with the aggrieved individual as well as with the aggrieved local community, wherein the sense of security drops together with the offence) has a chance to see the consequences of their conduct, and to make amends for the caused damage.

Traditional penal policy based on the dominant role of the courts considering cases on the basis of the retributive model, focused on a just retribution and the severity of the punishment, has been gradually supplemented by the model of compensation to the aggrieved. The response to crime, which is alternative to traditional punishment, may occur as a result of the action of the out-of-court agenda authorised to make such a response, or it may be undertaken within the framework of traditional judicial procedure. Barbara Stańdo-Kawecka notes that the majority of experimental programmes meant to repair the damage caused by the offence are nowadays implemented within the existing justice system at various stages of criminal proceedings, and only a few ones are implemented beyond it.¹⁰ Mediation is the most common formula of restorative justice in the world. In Poland, it is possible to pass criminal and juvenile cases to mediation only within the framework of a judicial procedure; however, it may be done at any stage of judicial proceedings (in the preparatory proceeding; it may also be the prosecutor and the police who direct the case to mediation). However, the court makes the final decision whether to accept the defendant's obligations arising from the mediation agreement between the parties (the agreement should be confirmed by the defendant). The court may also imply additional obligations on the defendant in the content of the judicial sentence. The final decision maker in the case is the litigation body, which, taking into account the outcome of the mediation, is not limited in the choice of the type and harshness of the penalty.¹¹ Despite the possibility of directing the parties to mediation at the stage of enforcement proceedings, both in Polish prisons and in juvenile detention centres, this justice formula has been seldom adopted (mediation efforts in closed rehabilitation centres for young offenders have been so far only experimental in Poland, for example in the juvenile detention centre in Falenica; the situation is not any better in penitentiary centres for adults, in which the judges do not seem to notice the possibility of employing this measure as a valuable means of rehabilitation).

⁹ Ibidem, p. 76.

¹⁰ B. STAŃDO-KAWECKA: *Prawo karne nieletnich. Od opieki do odpowiedzialności*. Warszawa 2007, p. 110.

¹¹ A. RĘKAS: *Mediacja w polskim prawie karnym. Stan prawny na 1 września 2011*. Warszawa 2011, pp. 7–14; E. BIEŃKOWSKA: *Mediacja w sprawach nieletnich. Stan prawny na 1 września 2011*. Warszawa 2011, p. 5.

In recent years, instead of growing trends in directing cases to mediation, which should be expected because of the fact that this institution has been already present in Polish law for a long time (in criminal law, mediation has existed since 1998 and as a measure of dealing with juvenile delinquents' cases – since 2001), one may observe a drop in the cases directed to mediation, as shown in Tables 6 and 7.

TABLE 6. Proceedings in juvenile (family) cases in common courts terminated as a result of mediation proceedings from 2004 to the first half of 2015 in Poland

Years	The result of the mediation proceeding			The total number of cases
	agreement	lack of agreement	other solution	
2004	220	24	10	254
2005	281	37	25	343
2006	298	44	24	366
2007	276	28	22	326
2008	223	20	18	261
2009	256	22	15	293
2010	261	50	26	337
2011	253	35	24	312
2012	260	41	21	322
2013	218	35	25	278
2014	131	39	28	198
The first half of 2015	92	21	12	125

SOURCE: Calculations made by the authors on the basis of the statistical data of the Statistical Management Information of the Department of Strategy and European Funds of the Ministry of Justice.

To illustrate the scale of resorting to mediation in juvenile cases, it is worth quoting the figures referring to the cases considered by the court. In 2014, the total number of juvenile offenders who were taken to court on charge of demoralisation – American category *status offences* – and were assigned a criminal act amounted to 31,912 (the total number of cases of demoralisation was 15,524, whereas of criminal acts, 16,388).¹² Meanwhile, the number of cases settled by mediation reached merely 198 that year.

¹² The authors' own analysis of the data of the Statistical Management Information of the Department of Strategy and European Funds of the Ministry of Justice.

TABLE 7. Proceedings in criminal cases in common courts terminated as a result of mediation proceedings from 1998 to the first half of 2015

Years	The result of the mediation proceeding			The total number of cases
	agreement	lack of agreement	other solution	
1998	7	3	–	10
1999	232	115	19	366
2000	481	200	90	771
2001	471	254	61	786
2002	597	365	59	1,021
2003	1,108	617	133	1,858
2004	2,123	1,119	327	3,569
2005	2,755	1,445	240	4,440
2006	3,062	1,721	269	5,052
2007	2,753	1,220	205	4,178
2008	2,551	1,110	230	3,891
2009	2,505	993	216	3,714
2010	2,274	1,051	155	3,480
2011	2,071	1,035	145	3,251
2012	2,251	874	127	3,252
2013	2,330	1,146	218	3,694
2014	2,400	1,158	212	3,770
The first half of 2015	1,287	638	117	2,042

SOURCE: The authors' calculations based on the statistical data of the Statistical Management Information of the Department of Strategy and European Funds of the Ministry of Justice.

Apart from mediation, in the world there are numerous applications for the Restorative Justice Model, which is implemented mainly through diversion programmes. In Polish legislation, there is a formal consent to the utilisation of selected diversion forms; however, in practice, the cases of directing to such programmes by the judge are hardly noticeable. Definitely, there is a lack of such programmes at the pre-trial (administrative) stage. The courts in Poland may divert the case of the juvenile delinquent to the school or social organisation for its recognition (Art. 42, point 4),¹³ but they do not take this opportunity.¹⁴ For many years, repeated appeals have been made by Andrzej Bałandynowicz for a reformation of the penal policy in Poland and for a greater public participation

¹³ The Act of 26 October 1982 on proceedings in juvenile cases, with amendments (Dz.U. [Journal of Laws] No. 35, item 228).

¹⁴ According to W. Klaus, in the period 2000–2003, no juvenile was directed to any social organisation, and merely in single cases giving custody to such an institution was adjudicated. See W. KLAUS: *Dziecko przed sądem...*, p. 72.

in the rehabilitation of offenders.¹⁵ However, the rigid Polish justice system operates by inertia and penal populism, because of which the reform of the criminal law primarily consists in making the Criminal Code more severe, instead of de-criminalising lesser offences.

The policy of restorative justice is organically correlated with diversion programmes, which do not always comprise the aspect of redressing wrongs to the victim, but which always, just like in the model of restorative justice, implement the idea of restoring the right of the local community to deal with a social deviant, who by committing the offence acted against its interest. Diversion is defined as the exclusion of offenders from the state justice system and dealing with them within the functioning of the local community. The bodies participating in this process strive to make the offender aware of the negative consequences of his or her conduct, and offer them a particular type of support, owing to which they will have a chance to commit no more offence.¹⁶ Diversion programmes are implemented by various agencies in the world, most often by the police and social workers. These services have the legal authority to issue administrative decisions concerning perpetrators of minor crimes. The offenders directed to diversion programmes must give their consent for their implementation; however, having no access to the programme means for the offender that the traditional legal proceedings will be taken, including the threat of being found guilty. In the United States, the policy of de-criminalisation of the acts of lesser harmfulness, which are called status offences, as opposed to the classical criminal acts (juvenile delinquency), results in refraining from proceedings by juvenile courts in favour of diverting them for cognisance by the authorities of social welfare.¹⁷ Status offences are acts such as truancy, running away from home, prostitution, vandalism, petty theft, traffic offences, etc. In Poland, cases of demoralisation (the term close to the American status offence) are still dealt with only by the juvenile court. However, the example of the United States, where in 2009 up to 45% of the cases of juvenile offence were settled within informal activities, and only 55% were directed to the judicial procedure,¹⁸ points to the fact that in some countries the model of restorative justice has been already in operation on a large scale.

Typical diversion services addressed to juvenile delinquents and their families comprise a very wide spectrum of actions. These include: screening and assessment, education and tutorial services, victim awareness classes and activities, service learning programmes, substance use education and counselling, job

¹⁵ A. BAŁANDYNOWICZ: *Probacja. Resocjalizacja z udziałem społeczeństwa*. Warszawa 2011.

¹⁶ W. KLAUS: *Dziecko przed sądem...*, p. 67.

¹⁷ A. BARCZYKOWSKA, S. DZIERŻYŃSKA-BREŚ, M. MUSKAŁA: *Systemy oddziaływań resocjalizacyjnych Anglii i Stanów Zjednoczonych Ameryki*. Poznań 2015, p. 141; B. STAŃDO-KAWECKA: *Prawo karne nieletnich...*, pp. 132–134.

¹⁸ Following A. BARCZYKOWSKA et al.: *Systemy oddziaływań resocjalizacyjnych...*, p. 142.

skills training, mental health treatment, crisis intervention, family counselling, parenting skill development, and supports for rebuilding family relationships. Alternative training programmes are implemented mostly in schools or in other areas of the local community (medical centres, therapeutic counselling centres, job centres, etc.), as well as in the family environment of the youth (on school campuses, on community sites, or in the youth's home).¹⁹ Currently, in the West there is a great number of new initiatives in the field of diversion programmes that are run on different levels of the organisation of the justice system. Some of these programmes are developed and implemented on the basis of the involvement of the bodies of the local community (schools, NGOs, social services, etc.); however, many of them exist within the justice system as an offer of probation officers, court administration and local jurisdiction.²⁰

As regards state services that can launch a diversion programme, they are another type of public authorities/agencies which take part in the process of dealing with the committed crime. In the United States – but not only there – this procedure consists in the following stages: the municipal and the district police (Law Enforcement), the prosecutor, and at the later stages of the judicial proceeding, other services operating at the pre-trial/prosecution stage, that is, usually probation officers. At the final stage, the court is authorised to launch a diversion programme. Regardless of who implements the diversion, all the bodies work towards the same goal – to avoid adjudication and sentencing.²¹

A good exemplification of the implementation of the idea of diversion is CIT model (Crisis Intervention Team),²² which was developed in the United States for the police purposes. The CIT procedure involves directing people who commit crimes because of the displayed mental illness to appropriate therapeutic institutions, rather than to the court. This is an attempt to protect the population of mentally disturbed people against entering the procedure of the American justice system (reduce the number of persons with mental illness entering the front door of the criminal justice system). Instead of isolating these persons in houses of detention, and later often in prisons, they are diverted to the places that are the most appropriate for them, that is, to stationary facilities wherein

¹⁹ Diversion Programs; <http://youth.gov/youth-topics/juvenile-justice/diversion-programs> (19.10.2015)

²⁰ *No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives*. The Center for Health and Justice at TASC. Chicago 2013, p. 5: "More than ever, legislators, prosecutors, judges, court administrators, corrections and probation officials, and the jurisdictions they serve are implementing less restrictive, community-based diversion alternatives. . . . Many of these programs emerge from within the justice systems themselves, to stem the tide of progressively deeper justice involvement and stop the so-called revolving door of justice."

²¹ *Ibidem*, p. 11.

²² A.C. WATSON, A.J. FULAMBARKER: "The Crisis Intervention Team Model of police response to mental health crises: A primer for mental health practitioners"; <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/> (30.10.2015).

they may receive the proper treatment. This is a worthwhile project, especially because of the fact that in the United States, up to 64% of the incarcerated in local prisons, and 56% of the incarcerated in state prisons are people with mental health problems,²³ who cannot be provided with adequate treatment by the isolation system of today. Police stations involved in the operation of the CIT programme direct a delegated group of officers, or all of the officers for special training for this procedure. The delegated police officers undergo the training, which usually involves 40 hours of recognising the symptoms of mental illness and techniques for dealing with disturbed individuals. Additionally, during the training or immediately after it, CIT officers get acquainted with a variety of mental health services in the local community that they can utilise to resolve mental health related calls.²⁴ It is a promising practice resulting in, on the one hand, less frequent cases of resorting to violence against the mentally ill by the police (de-escalation and stabilisation techniques), and, on the other hand, opening up the possibility of extrajudicial proceedings. An additional benefit of the programme lies in establishing a permanent cooperation between clinicians and the police, within which the doctors may request the police to assist in dealing with a client in crisis, and the police may ask the doctors to support interventions against mentally disturbed persons.²⁵

Similar to the police programmes for people with mental disorders are programmes for people addicted to psychoactive substances and dealers, implemented by various local bodies (i.e., centres of mental health, substance abuse, employment, housing, Medicaid, other public benefits, and community health centres) managed by the mayor and court officials together with treatment providers. These bodies aim at offering the participants of the project (habitual offenders are excluded from the programme) a specific aid instead of detention (e.g., the programme of Law Enforcement Assisted Diversion, LEAD, realised in Seattle).²⁶

Moreover, the police in Britain have a wide range of measures designed to respond to juvenile delinquency. The Polish police, when obtaining information about the demoralisation or a criminal act committed by a young offender is obliged to inform about this the juvenile court; whereas they alone are not allowed to take any punitive measures. The police are allowed to meet with the juvenile and his or her parents for a preventative conversation, but they cannot give him or her a reprimand, since this measure is reserved for the court. Therefore, it is compulsory to notify the court about both petty and serious crimes. At the same time, the British police enjoy greater confidence of the British legislator and is given authorisation to autonomously consider cases affecting social order.

²³ *No Entry: A National Survey...*, p. 4.
²⁴ A.C. WATSON, A.J. FULAMBARKER: "The Crisis Intervention..."²⁵ *Ibidem*.²⁶ *No Entry: A National Survey...*, p. 13.

The police in England and Wales (common law) have a wide range of warnings and educational measures. The Crime and Disorder Act of 1998 introduced a reprimand issued by the police in the case of the first offence of a low degree of noxiousness. Each subsequent offence, according to this act, resulted in the final warning and was usually combined with either the launch of a community intervention programme or bringing the case to the criminal court. The community intervention programme – launched in the form of workshops on social skills, sessions on education, work, family life and health as well as drug prevention, anti-alcohol and traffic safety – included both the offender and his or her family. Then, when the first offence resulted in the immediate final warning, all the other offences induced bringing the case to court. Under no circumstances was it possible for the offender to be given two reprimands.²⁷ Currently, along with the Legal Aid, Sentencing and Punishment of Offenders Act of 2012,²⁸ the described system has been modified by eliminating the gradation of warnings. The idea has remained the same: the police give Youth Cautions to offenders and direct them to treatment programmes. A police officer, together with the member of the YOT (Youth Offending Teams), is now a firmly authorised part of the system of an early intervention to juvenile delinquency. An important change in comparison to the old system of warnings consists in the mandatory sending the juvenile given a Youth Caution by the police to the YOT for additional adjudication of the case. The close cooperation between the police and the interdisciplinary Youth Offending Team is aimed at combating juvenile delinquency. Regardless of whether the juvenile receives the first or subsequent warning, each YOT recognises whether the warning alone is a sufficient measure, or perhaps the intervention programme should be launched. In the case of the juvenile offender whose level of demoralisation is very high, the YOT recommends bringing the case directly to court.

In addition to the usual Youth Caution, in the current system the police is also authorised to give the Youth Conditional Caution. The imposition of this measure is reported by the police to the YOT. The Youth Conditional Caution is additionally combined with assigning the juvenile a task to be performed. It is worth noting that all the cautions are given verbally by a uniformed police officer in person and supplemented with an explanation in writing, and all this takes place at the site which is appropriate for this – the police station, the YOT office, etc. The police choose the tasks to be fulfilled by the juvenile out of the following list of the measures: 1) Rehabilitation, that is, for example, an obligation to participate in the programme for drug addicts or in any intervention programme available to the YOT; 2) Reparation, that is making amends for the

²⁷ J. PITTS: *Working with Young Offenders*. Houndmills–Basingstoke–Hampshire–London 1999, p. 40.

²⁸ Following A. BARCZYKOWSKA et al.: *Systemy oddziaływań resocjalizacyjnych...*, p. 108.

inflicted damage; and 3) Punishment, that is unpaid work or financial sanction.²⁹ In this way the police in cooperation with the YOT act for the juvenile court, replacing it in its traditionally assigned duties.

Apart from the new system of youth cautions, the English police are provided with other means to combat crime, such as Community Resolution (quasi-mediation agreement) and Charge (arraignment).³⁰ When it comes to the first measure, in a situation when the offender shows repentance and consents to reparation, instead of bringing the case to court, the police may be involved in the procedure to reach an agreement between the parties of the offence. The procedure may have different forms. This may be a conciliation conference with the participation of the victim and the determination of the reparation action the victim demands, which will be proportional to the damage, or negotiations aiming at reaching the agreement, however without the participation of the victim. The last of the measures which the police are provided with is the arraignment.³¹ This measure, however, does not require any description since it is a universal prerogative of the police service in the world.

In different cities of Great Britain, experiments are also carried out with the so-called remedial admonition, which usually lasts from thirty to forty minutes. During the admonition perpetrators may describe the offence, whereas the victims have the opportunity to ask questions and share their emotions.³² The British police are also authorised to take educational measures, such as the anti-social behaviour order (the measure relating to anti-social behaviour). By this order, the juvenile is obliged to refrain from certain behaviour and from being in a certain area at a certain time. Thus, if the police suspect a juvenile of drug peddling because he or she wanders near a school at the time of school breaks, then this person is bound by such a measure not to exceed the distance of 500 meters from the school from 8 am to 6 pm.³³ Such powers enable the police to act immediately with the omission of the long judicial process and judicial stigmatisation, which the young drug dealer would have experienced otherwise. In Poland, educational measures are adjudicated exclusively by the family court.

In the United States, if the diversion programme has not been implemented by the police, the chance to carry it out may appear on the next stage of pretrial. An American organisation called the National Association of Pretrial Services Agencies (NAPSA) observes that up to 1990, diversion programmes were run mostly at the pretrial stage by the prosecutor, whereas since 1990, they have been

²⁹ Ibidem, pp. 108–116.

³⁰ Ibidem, pp. 110–116.

³¹ Ibidem, p. 110.

³² A. GIDDENS, P.W. SUTTON: *Essential Concepts in Sociology*. Cambridge 2014, chapter 9.

³³ J. PITTS: *Working With Young...*, p. 38.

the domain of specialised pretrial agencies.³⁴ By employing appropriate criteria (e.g., an admission of guilt, the first offence against the law, etc.), these services propose the offenders participation in the correction programme, which thus becomes an alternative to the judicial process. One of such programmes, Milwaukee County Treatment Alternatives and Diversion (TAD), has revealed very high efficiency in the course of evaluation studies. Owing to this programme, 135,118 people avoided imprisonment and arrest during the first four years of its implementation. Moreover, the participants who had successfully completed TAD programme ended up in state prisons nine times less frequently than those who had not completed it. The described programme, like many other similar programmes in America, is aimed at non-violent offenders affected by addictions to alcohol and drugs, and the attendant mental health problems. Those that meet the criteria of the programme, plead guilty, and agree to participate, avoid being arrested and having a police record, because everything happens before the formal arraignment and before the court case (Deferred Prosecution Model; defendants who successfully complete the programme are allowed to withdraw their guilty pleas, and the charges against them are dismissed).³⁵

Apart from the police, the prosecutor, probation officers and other specialised pretrial agencies, also the US courts deal with directing to diversion programmes. Directing to alternative programmes at the stage of court proceedings was disseminated along with the launch of drug courts in the US. The problem of overcrowded courts, wherein, in the 1980s, the number of cases related to drug crime started to grow rapidly, (especially in Miami, which, in those years, become an international centre for drug trafficking), led to the establishment special courts in Florida. In these courts, an immense significance was attached to the policy of the treatment of drug offenders. From that time until 2012, 2,700 drug courts were established in the United States.³⁶ Apart from them, by the year 2012, 1,100 courts dealing with the cases related to other social problems, such as veteran courts and mental health courts (problem-solving courts), were established. Implementation of diversion programmes, which are directed to by the judges in the US, resembles, to a large extent, the process of mediation. Offenders are required to plead guilty and participate in a multi-agency meeting (representatives of various local services; sometimes victims of the crime, who have the right to speak, are also present at the meeting) in which the contract specifying the obligations of the participant is recorded in writing, such as undergoing treatment, paying reparation, writing letters of apology, unpaid work for the benefit of the local community, etc.³⁷ After the time specified for carrying

³⁴ *No Entry: A National Surveys...*, p. 16.

³⁵ *Ibidem*, pp. 18–20.

³⁶ *Ibidem*, pp. 23–24.

³⁷ “Contracts may require clients to pay restitution, participate in counseling or substance abuse treatment, or write letters of apology,” see *No Entry: A National Survey...*, p. 25.

out this contract, an appropriate assessment is made by services designated for that. The successful completion of the programme allows dismissing the charges and avoiding the sentence.

Summing up, diversion programmes are addressed to both juvenile and adult offenders, but almost exclusively constitute an offer for people who commit crime for the first time. The programmes are organised at various levels of the national system (vertical level) and are initiated by different sectors of social services providers (horizontal level). The alternative programmes are launched, among others, by state governments, local courts, non-profit organisations, and local social services. When it comes to the procedures of evaluating diversion programmes, although in most cases they show evidence of high efficiency, there are also many reservations about these procedures. They concern the low level of methodological research, or the lack of uniform indicators for the effectiveness of the programmes – sometimes it is the amount of the forborne judicial procedures and convictions, some other time it is the level of recidivism of the individuals participating in the diversion programme compared with the level of relapsing into crime by people who do not participate in the programme. However, it is unquestionable that the diversion programmes contribute to the improvement of the functioning of the courts overloaded with a great number of cases, to the reduction in the number of imprisoned persons, and, most importantly, they allow an early start of the treatment procedure for people with mental disorders and addictions, since just these two groups are primarily addressed by the US diversion programmes.³⁸

In addition to the police and judicial officers, in the system of the alternative influence on young people at risk, a special role is also played by social workers, educators, and psychologists. The powers of the officers of the German agency of Jugendamt, that is, Youth Office, enable them to make an independent intervention, owing to which a lot of cases are not brought into the overburdened courts. The workers of Jugendamt, analogously to youth courts in Germany (*Jugendgericht*), may decide about “Aid for education” (*Hilfe zur Erziehung*).³⁹ The act of helping children and youth⁴⁰ obliges parents/caregivers of the child (*Anspruch auf Hilfe*) whose wellbeing is endangered (*wenn eine dem Wohl des Kindes oder des Jugendlichen entsprechende Erziehung nicht gewährleistet ist und die Hilfe für seine Entwicklung geeignet und notwendig ist*) to participate in the

³⁸ No Entry: A National Survey..., p. 30.

³⁹ Jugendgerichtsgesetz (JGG) vom 11. Dezember 1974; <http://www.gesetze-im-internet.de/jgg/BJNR007510953.html> (13.02.2015). According to JGG, *Hilfe zur Erziehung* may take two forms: 1) Assignment of a guardian, educational assistant – *Erziehungsbeistandschaft*; or 2) Placement in an around-the-clock custodial and educational centre – *in einer Einrichtung über Tag und Nacht oder in einer sonstigen betreuten Wohnform*.

⁴⁰ Sozialgesetzbuch (SGB) – Achtes Buch (VIII) – Kinder- und Jugendhilfe – (Artikel 1 des Gesetzes v. 26. Juni 1990, BGBl. I S. 1163).

plan of support, which is prepared for the whole family by Jugendamt officials. Within the framework of the plan, social pedagogues and social workers may include the following forms of involvement of the child and/or parents to improve the educational situation and relationships in the family: childcare counselling (*Erziehungsberatung*), participation in social therapy (*Soziale Gruppenarbeit*), the supervision by educational institution or childcare assistant (*Erziehungsbeistand, Betreuungshelfer*), assigning an assistant to the family (*Sozialpädagogische Familienhilfe*), attending the educational common room (*Erziehung in einer Tagesgruppe*), total childcare (*Vollzeitpflege*), and placing in the around-the-clock educational institution (*Heimerziehung, sonstige betreut Wohnform*).⁴¹ The described path of the administrative response to threats to the development of children and adolescents in Germany (including manifestations of petty crime) is another practice alternative to court proceedings.

Youth Office in Germany is an exceptional institution that deals with all matters concerning assistance to children and youth at risk. It employs social workers and social pedagogues, as well as psychologists. It is also worth noticing that the officials of this institution try to “give way to” non-governmental institutions, which, as the German legislature has decided, know the local community better and thus are able to efficiently use the potential of social powers of local communities. This priority results from the German law, according to which independent entities, and therefore non-state organisations, such as churches, the Red Cross or youth organisations, are given priority over state institutions in rendering assistance.⁴²

It is noticeable, therefore, that in the European systems of crime prevention, programmes alternative to judicial proceeding are increasingly sought-after. Many entities established to counteract juvenile delinquency and to work with youth at risk, as one of the leading areas of their activity, have chosen searching for or independently developing diversion programmes. These programmes, as it was mentioned before, are directed to by courts at various stages of the legal proceeding. Their implementation is provided by specialised teams. For example, in the German institution of Jugendamt, the team “legal aid for juveniles” organises blocks of workshops for drug addicts and for people at risk of addiction to drugs, as well as arranges seminars and trainings for road safety, training in dealing with conflict situations, and mediation. In the UK, a similar function is performed by Youth Offending Teams, in short YOT, which include an interdisciplinary team consisting of the police, social, educational and health services, and probation officers.⁴³

⁴¹ Art. 28–34, Sozialgesetzbuch (SGB) – Achtes Buch (VIII)...

⁴² C. HILLENBRAND: *Pedagogika zaburzeń zachowania*. Trans. E. CIEŚLIK. Gdańsk 2007, p. 133.

⁴³ J. PITTS: *Working With Young...*, pp. 35–46; Ch. KNOTT: “Evidence-based practice in the National Probation Service.” In: *What Works in Probation and Youth Justice*. Eds. R. BURNETT, C. ROBERTS. Portland, OR 2004, pp. 14–28.

The institution of YOT deserves special attention, because it is currently a basic component of the English-Welsh system of Youth Justice and Restorative Justice. The practice of transferring juvenile cases to Youth Offending Teams (YOT) is widespread in the UK. This results not so much from the good will of the court, but from the legal obligation (Art. 17, point 1, the Powers of Criminal Courts (Sentencing) Act 2000) relating to transferring the case when the offender pleads guilty, has not been previously convicted by the court, and has never been obliged by judicial proceedings to comply with the law or good behaviour.⁴⁴ Such a redirected case is brought into the panels for Juvenile Offenders, which operate within the framework of YOT. The number of people working for YOT varies from 20 to over 500, depending on its size. They are workers delegated there from their parent units (police, probation officers, etc.) for a period of three to five years; therefore, additional specialisation within this interdisciplinary group of experts is indispensable.⁴⁵ Such a specialised body of YOT comprises YOPs, that is, Youth Offender Panels. These are bodies competent in the rehabilitation work with minors. Working with minors often takes the form of a discussion having the character of a mediation between representatives of the local community (there are two representatives of the local community in YOP), the offender (and sometimes his or her parents), the victim and his or her attorney and a representative of YOT. Such a meeting results in the contract drawn up for a period from three months to a year, which formulates a working plan for the delinquent. Mediation meetings and developing the working plan is intended to facilitate the reparation to the victim, as well as to the local community, which also becomes a victim (declining sense of security) alongside with each offence. The contract sets the perpetrator specific goals to work towards: carrying out some work, paying for the damage, a written apology, orders and prohibitions regarding specific behaviour or participation in certain activities.⁴⁶ The multi-agency action, so prevalent in the West and exemplified by the functioning of English YOTs, in Poland has a mere equivalent in the form of interdisciplinary teams for the prevention of domestic violence. Apparently, in Poland it was concluded that only domestic violence requires a multi-agency approach. Therefore, juvenile delinquency is a problem which is supposed to be dealt with exclusively by family courts and probation officers operating within their framework.

Despite numerous diversion programmes, considerable powers of the police in the field of crime prevention as well as well-organised interdisciplinary teams dealing with the issues of juvenile crime in the UK, the number of minors who get to closed institutions as a result of having committed a criminal act,

⁴⁴ Following A. BARCZYKOWSKA et al.: *Systemy oddziaływań resocjalizacyjnych...*, p. 101.

⁴⁵ Ibidem, pp. 100–102.

⁴⁶ Ibidem, p. 102.

regrettably, is not decreasing. This is due to the low age threshold for criminal responsibility, unprecedented anywhere else in Europe. Criminal Justice Act of 1991 and Children and Young Persons Act of 1969 define the lower limit of responsibility for a penal offence in England and Wales at 10 years of age. A minor is a person between the age of 10–18.⁴⁷ This is probably the reason for the fact that the number of young people incarcerated in Great Britain is twice as high as in Belgium, Portugal, Spain, Denmark, Sweden, Finland, Austria, France, and the Netherlands combined.⁴⁸ It should be acknowledged, though, that in the English law, children between 10 and 14 years of age may be tried in a court of law for an offence, provided the ignorance of the act has been excluded. It is concerned with the legal doctrine of *doli incapax*, literally, “incapable of committing a crime.”⁴⁹

The following part of the work comprises the description of two more diversion practices perfectly effective in the West. They facilitate the acceleration of the social reaction to the phenomenon of petty crime and signs of demoralisation. Following these good practices at the local level of the school (the institution of student courts in Germany) and at the level of the police operation (institution of “Halt” in the Netherlands) enables not only the instantaneousness of the response, but also the non-stigmatising (extrajudicial) nature of this reaction as well as redressing the wrongs. The situation in Poland and other countries wherein the programmes for diversion are not sufficiently widespread results in the fact that many acts of vandalism and signs of aggression and violence in schools remain deliberately unnoticed, and the only way of reacting to them is either notification of the parents and issuing warnings (measures not harsh enough) or notification of family court (too harsh reaction in the case of many deeds).

The institution of student courts functioning, among others, in the state of Bavaria in the Federal Republic of Germany, is a model concept in the field of restorative justice. Instead of judicial reaction, the perpetrator of a minor offence is brought before the student court, his or her peers selected from among outstanding students adjudicating on cases in a particular area. Students-judges, after having received the necessary training in the domain of pedagogy, psychology and law, establish a permanent cooperation with the police and the prosecutor. Along with abandoning the prosecution of the juvenile offender, the prosecutor directs the case to the student court for its cognisance. The court gives a hearing to the perpetrator, examines the circumstances of the offence, and then adjudicates on the type of punishment and redressing (financial penalty, apology to the victim, social work and others, according to the students’

⁴⁷ D. WOŹNIAKOWSKA-FAJST: *Nieletnie. Niebezpieczne, niegrzeczne, niegroźne?* Warszawa 2010, p. 20.

⁴⁸ Y. JEWKES: *Media and Crime*. London 2004, chapter 4.

⁴⁹ Ibidem, p. 95.

own creativity). Subsequently, the student court supervises how the perpetrator fulfils the obligations imposed on him or her and reports on that to the prosecutor. It is worth noticing that in this practice the police are granted considerable powers. They decide whether or not a particular case may be directed to the institution of student courts. They collect information concerning the case and obtain the consent from the perpetrator and his or her legal guardian for a particular procedure. The comparison of the amount of time spent on the analysis of the offence by student courts (frequently several hours of individualised and non-schematic procedure) with the duration of judicial proceedings (10 minutes devoted to the case and the application of the closed catalogue of punishment) points out to the unquestionable advantage of the project of the student court.⁵⁰

Another practice is the Dutch programme “Halt”. This programme is anchored in the national legislation, which allows the Dutch police to decide autonomously whether minor offences should be directed to legal proceedings or to “Halt” programme. In the case of the later one, the juvenile and his or her family report to a special office. With the consent of the minor for running an alternative procedure (in the case of refusal, the case is brought into court), the juvenile and the Halt office worker together with his or her legal guardian determine a form of making amends by contracting to perform certain unpaid work or to directly redress the damage to the victim. Then the perpetrator signs the contract specifying the tasks to be performed, the time of the fulfilment and the type of work. The execution of the contract is supervised by the staff of Halt office. After the contract has been carried out, the office gives the police the report, on the basis of which the police withdraw the case from their records. The breach of the contract results in bringing the case into court.⁵¹

It appears that the development of a programme similar to the Dutch “Halt” in Poland should not constitute a big problem, as it might be done by utilising the existing social and pedagogical infrastructure. An expanded structure of the institution of Voluntary Labour Troops (*Ochotnicze Hufce Pracy*), operating in every province, is a good base to negotiate forms of work with delinquents, through which they would be able to make reparation to the victims. Currently, Voluntary Labour Troops operating in Poland carry out hundreds of courses and trainings for people with behavioural disorders, as well as organise school education combined with apprenticeships and employment contracts, so that the perpetrators of minor offences could acquire new social skills, improve their qualifications or simply make amends for the inflicted damage.

⁵⁰ A.M. CHOMIUK-ŻYWALEWSKA: “Instytucja ‘sądów uczniowskich’ w Niemczech jako alternatywne rozwiązanie przeciwdziałania przestępczości nieletnich.” *Prokuratura i Prawo* 3 (2008), pp. 139–146.

⁵¹ B. KOWALSKA-EHRlich: “Formy alternatywne w postępowaniu z nieletnimi (doświadczenia europejskie).” In: *Profilaktyka i readaptacja społeczna – od teorii do doświadczeń praktyków*. Ed. E. BIELECKA. Białystok 2006, pp. 161–162.

The introduction of legislative solutions in Poland granting greater powers to the police and other public services operating in the field of “redirecting” the cases of juvenile offenders from the judicial procedure towards the reparation to the victims of crimes and the implementation of good practices in the diversion programmes described above will have to be supplemented by yet another element, if the model of restorative justice is to evidence its advantages and effectiveness. In the forthcoming years, not exclusively in Poland, the creative potential of the people who work in the area of crime prevention should be stimulated. It is the ability to develop entirely innovative diversion programmes – as well as their accessibility – that will result in a large number of criminals brought into these programmes. If teachers (educators), psychologists and social workers do not want to become a professional category affected by unemployment, they must demonstrate the ability to develop promising programmes, such as the “Big Brother–Big Sister” programme,⁵² following the guidelines of mentoring. Otherwise, not only may the model of restorative justice become stagnant, but also the aforementioned jobs will disappear. In the time when social policy and crime prevention are reduced merely to estimating the risks associated with crime, and, to do this, replace the diagnostician’s critical eye with calculations performed by computers that obtain data from complicated information systems,⁵³ one cannot ignore the fact that the growing technicalisation of working with offenders is going to decrease the importance of the human factor, in the long run resulting in the disappearance of rehabilitation in favour of control and isolation.

⁵² See: A. BARCZYKOWSKA, S. DZIERŻYŃSKA-BREŚ: “Profilaktyka oparta na wynikach badań naukowych.” *Resocjalizacja Polska* 4 (2013), p. 153.

⁵³ See A. JACHIMCZYK: “Technologia informatyczna jako możliwość realizacji postulatów Proaktywnego Modelu Probacji.” In: *Aktualne osiągnięcia w naukach społecznych a teoria i praktyka resocjalizacyjna*. Ed. B. URBAN. Kraków–Mysłowice 2010, pp. 45–58.

CHAPTER 13

Selected measures adjudicated in the proceedings of juvenile delinquency in Germany and Poland

The system of children and youth assistance in Germany, in comparison to the dispersed Polish system, within which there are numerous institutions carrying out tasks partially overlapping each other (District Family Assistance Centre, Municipal Social Welfare Centre, Centre for Crisis Intervention, etc.), is based on the centralised actions of one institution, namely Jugendamt. Within its framework, there are various working teams, whose members specialise in particular issues (e.g., the team dealing with holiday recreation and shaping free time, the team for youth unemployment, the team for counselling on substance abuse, and many others, including the team dealing with judicial aid for minors).¹ It is also worth noting that, despite the clear institutional differences between the Polish and the German systems of children and youth assistance, in both of the legal systems there are many similar solutions in the area of applied educational measures. Presumably, this is due to the fact that the Polish act on the procedure in juvenile cases² was introduced eight years after the German JGG had come into force,³ and in a way took its blueprint from it.

The German judicial system of dealing with juveniles comprises educational and disciplinary measures (including placement in custody) as well as measures of incarceration (prison for minors, *die Jugendstrafanstalt*). The Polish system is based on educational measures and a correctional measure (placement in a juvenile detention centre, which is the most insulating institution among the Polish custodial and educational residential institutions for minors). According to point 9 of JGG,⁴ the educational measures in Germany (a very similar cata-

¹ J. KUSZTAŁ: *System resocjalizacji młodzieży niedostosowanej społecznie w Polsce i Niemczech*. Kraków 2008, p. 89.

² The Act of 26 October 1982 on proceedings in juvenile cases, with amendments (Dz.U. [Journal of Laws] No. 35, item 228).

³ Jugendgerichtsgesetz (JGG) vom 11. Dezember 1974; <http://www.gesetze-im-internet.de/jgg/BJNR007510953.html> (13.02.2015).

⁴ Ibidem.

logue of measures is at the disposal of the courts in Poland) include: 1) issuing commissions and 2) ordering the support for education (*Hilfe zur Erziehung*). The commissions are orders and prohibitions that regulate the life of the minors and support their educational process. The court may, in particular, impose on the minor the obligation to:

1. comply with the orders that relate to the place of residence;
2. stay with the family or at home;
3. seek particular education and workplace;
4. acquire particular professional skills;
5. submit to the custody of a particular person;
6. participate in a social training course;
7. provide compensation to the victims (the perpetrator-victim-compensation model);
8. cease maintaining contact with certain people and visiting places of entertainment; and
9. participate in the training in the field of road transport.

If the juvenile fails to comply with the orders of the court, or if the ordered support/help for education (*Hilfe zur Erziehung*) does not bring adequate results, then the juvenile may be imposed a disciplinary measure, for example, in the form of detention. The detention imposed by the sentence cannot last longer than four weeks. The judge desists from the adjudicated detention when the juvenile, having received the custodial sentence, begins to fulfill the orders previously imposed by the court. Apart from detention, which is the measure that the Polish system of dealing with juveniles is not familiar with, in Germany disciplinary measures comprise an admonition and an obligation to follow a specific procedure (to redress the damage inflicted by the wrong, to apologise in person to the victim, to acquire specific professional skills, or to pay a certain amount of money to the institutions of public welfare). Penalty for juvenile offenders (*die Jugendstrafe*) is the ultimate measure taken by JGG. Incarceration in an institution is the penalty for minors. The court imposes imprisonment when, because of the harmful tendencies of the minor (*schädlichen Neigungen*) or the seriousness of guilt (*die Schwere der Schuld*), educational measures and disciplinary measures turn out to be insufficient. As regards the length of the sentence, the lightest penalty is six months and the most severe is five years. There are exceptions that allow a longer isolation, which the judge imposes on the juvenile if he or she is proved guilty of crime against life or sexual freedom. It is worth noting that in Germany, a minor, that is, a person who ceases to be a child and starts to bear responsibility for a criminal act – according to the criminal law for minors – is a person who has completed 14 years of age but is not 18, while in Poland the juvenile is a person who has completed 13 years of age and is not yet 17. Comparing the two categories of minority, it is noticeable that there is a one-year difference in favour of earlier responsibility of minors in Poland. When it comes

to the most severe measure imposed on minors in Germany, it is a sentence of juvenile convict prison with a determined time of the penalty. While passing a custodial sentence, the court in Poland does not specify the period the minor is to stay in a juvenile detention centre, as it is in practice in Germany. However, the juvenile cannot be placed there for a period longer than the time until he or she has completed 21 years of age.⁵ An earlier release from the juvenile detention centre is possible provided the behaviour of the juvenile has improved, and it is executed by the motion of the director along with the consent from the court.

Herein, it is worth characterising the juvenile detention centre (ZP) and the juvenile shelter (SdN), that is, the most isolated rehabilitation institutions operating in Poland, since the authors' own research presented in this book (Chapters 5, 8, and 9) concerns juvenile offenders remaining in these institutions (the application of custody in ZP and SdN is the most severe measure in the juvenile criminal law). According to the Act⁶ and the Regulation of the Minister of Justice,⁷ to ensure a proper implementation of the corrective measure and individualisation of the action of social reintegration in accordance with the psychophysical, psychosocial and socio-cultural attitudes of the minor, juvenile detention centres fall into four types:⁸

1. rehabilitation centres:
 - a. open – youth centres for social adaptation (MOAS),
 - b. semi-open,
 - c. closed,
 - d. with increased educational supervision;
2. centres of rehabilitation and revalidation;
3. centres of rehabilitation and therapy; and
4. centres of re-adaptation.

Open rehabilitation centres, that is, youth centres for social adaptation (MOAS),⁹ are intended for those delinquents who:¹⁰

⁵ M. NOSZCZYK-BERNASIEWICZ: *Nieletni przestępcy w percepcji personelu i nadzoru resocjalizacyjnego oraz studentów resocjalizacji*. Katowice 2010, pp. 81–82.

⁶ The Act of 26 October 1982 on proceedings in juvenile cases, with further amendments (Dz.U. [Journal of Laws] No. 35, item 228), Art. 27, point 3–6.

⁷ Annex to the announcement of the Minister of Justice of 5 May 2014 on the uniform text of the Regulation of the Minister of Justice of 17 October 2001 on juvenile detention centres and juvenile shelters (Dz.U. [Journal of Laws] of 2014, item 1054).

⁸ *Ibidem*, point 3.

⁹ The idea of the Youth Centre for Social Adaptation (MOAS) was introduced by Professor Lesław Pytka. In the 3rd edition of his textbook on rehabilitation pedagogy, in the chapter devoted to selected problems of rehabilitation, he indicated directions of the reform of the rehabilitation of minors in Poland, presenting, inter alia, the project of MOAS. See L. PYTKA: *Pedagogika resocjalizacyjna. Wybrane zagadnienia teoretyczne i metodyczne*. Warszawa 1995, pp. 133–150.

¹⁰ Annex to the announcement of the Minister of Justice of 5 May 2014 on the uniform text of..., point 4.1.

- have not been in juvenile detention centres or prisons;
- have not committed any great criminal acts defined in the Penal Code (including, in particular, murder, bodily injury, causing dangerous incidents, rape, robbery, etc.);
- are willing to participate in the process of rehabilitation, and whose attitude and behaviour in a juvenile shelter give grounds for placing them in this type of institution; and
- do not identify themselves with any criminal subculture.

Wards from other rehabilitation centres may be transferred to this type of institution, if their behaviour or the indications of the diagnostic and correction team point to this. General education, vocational training, employment, and participation in the activities during the time free from school or work may be carried out inside or outside the institution.¹¹

The semi-open rehabilitation centre is meant for minors who have committed criminal acts and their behaviour does not give grounds for placing them in open rehabilitation centres. To this type of institution may be transferred wards from open rehabilitation centres, whose behaviour does not justify their further staying in these centres, and wards from closed rehabilitation centres and from institutions with increased educational supervision, whose rehabilitation process is believed to be promising enough to take place at semi-open centres. Education, vocational training and employment of the wards is given on the premises of the centre; only in justified cases may it be provided outside the institution. Activities organised in the time free from school or work take place on the premises of the centre or out of them; however, they are always under the direct supervision of a member of the staff.¹²

Closed rehabilitation centres are intended for juveniles who have repeatedly fled open or semi-open centres. Rehabilitation work with the wards, which is mainly carried out through therapeutic activities, is aimed at identifying and eliminating the causes of fleeing. Education and vocational training, employment as well as activities organised during the time free from school and work are done exclusively on the premises of the institution.¹³

Rehabilitation centres of an increased educational supervision are intended for juveniles whose degree of demoralisation is high, who have committed serious criminal acts, and who disorganise the functioning of other centres. The ward may be placed in this type of institution when he or she has completed 16 years of age, or – in exceptional cases – 15. Rehabilitation work, under conditions of an increased educational supervision, consists in organising individual educational activities (educational, corrective, and therapeutic), while contacts

¹¹ Ibidem, points 4.2–4.3.

¹² Ibidem, points 5.1–5.4.

¹³ Ibidem, points 6.1–6.3.

with the educational group or other wards are temporarily restricted. All forms of activities are carried out on the premises of the institution. In particularly justified cases, wards exhibiting an improvement in their behaviour may be provided activities organised outside the centre, under the direct and constant supervision by the centre workers.¹⁴

Rehabilitation and revalidation centres are meant for juveniles with mental disabilities; therefore, rehabilitation work is done on-site or off-site, with the employment of the measures, forms, and methods of education and training developed for mentally handicapped juveniles.¹⁵

Rehabilitation and therapy centres are designed for delinquents:¹⁶

- with personality disorders along with organic disorder of the central nervous system;
- addicted to illegal drugs or psychotropic substances; and
- who are HIV carriers.

Rehabilitation work in this type of institution is carried out through therapeutic and corrective workshops. General education and vocational training takes place on the premises, and activities during the time free from school and work may be done on-site or off-site.¹⁷

In July 2009, a new type of rehabilitation institution was launched in Poland, the re-adaptation centre.¹⁸ Centres for re-adaptation are addressed to minors who refuse to participate in the process of upbringing, education and therapy, who have fled rehabilitation centres or shelters or failed to return after having been on a pass, and who give grounds for assuming that they will continue to do so, as well to those who committed forbidden deeds at least twice while staying in the institution.¹⁹

Re-adaptation in such a centre consists in:²⁰

- planning and implementation of individual re-educational activities;
- the employment of methods and forms of work facilitating adaptation of the juvenile to the established order in the centre;
- restricting the participation in various forms of activities (education, sports, recreation, etc.) to the premises of the institution and under the direct supervision of its workers;
- increasing the number of tasks and activities of an orderly character and the amount of socially useful work.

¹⁴ Ibidem, points 7.1–7.5.

¹⁵ Ibidem, points 8.1–8.2.

¹⁶ Ibidem, point 9.1.

¹⁷ Ibidem, points 9.2–9.3.

¹⁸ Regulation of the Minister of Justice of 20 July 2009 amending the regulation on juvenile detention centres and juvenile shelters (Dz.U. [Journal of Laws] of 2009, No. 119, item 996).

¹⁹ Annex to the announcement of the Minister of Justice of 5 May 2014 on the uniform text of..., point 9.1.

²⁰ Ibidem, point 9.2.

Under the regulations, the juvenile may be transferred to another type of rehabilitation centre in the situation when there are reasonable grounds for believing that the objectives of rehabilitation have been achieved. The minor is moved to the rehabilitation centre wherein he or she previously stayed.

Profiling of juvenile detention centres is based on the characteristics of persons directed into them, that is, on the different degree of their demoralisation (including the type of criminal act), their character and personality disorders, the degree of mental development, the exhibited deviant behaviour, including the degree of their identification with criminal subculture, and their willingness to participate in rehabilitation. These institutions vary in the degree of isolation of the wards from the external environment and the severity of the educational regime (with regard to the provided rewards and implemented disciplinary measures, especially in the case of temporary leaves from the centre, for example, on a pass or for holiday) in order to ensure that the juveniles are subjected to the most appropriate educational processes. Categorisation of the centres and – which is indispensable – strict criteria for the classification and the procedure of directing people there provide evidence that this approach is conducive to individualisation of forms and measures of re-education and childcare, while following the principles of progression and regression. The basic criterion for the typology of rehabilitation centres is the degree of isolation from the environment, which is directly associated with the degree of securing these institutions, as well as the number of the wards in the educational group and educational ward.²¹

An individual centre may accommodate from 20 (closed centres of an increased educational supervision) to 100 wards (open and semi-open centres). According to the degree of difficulty of the rehabilitation work in a particular type of institution, educational groups and class units comprise, as follows: four persons in centres of an increased supervision; six persons in rehabilitation and therapy centres; eight persons in closed rehabilitation centres, in centres for rehabilitation and revalidation, and in re-adaptation centres; ten persons in semi-open centres; and up to 12 people in open centres.²² The number of wards in the workshop groups should be half the number of pupils in the school ward specified for each type of institution.²³

It should be emphasised that placing the minor in a juvenile detention centre in Poland is an extreme measure; therefore, it is imposed when there are no grounds for hope for the rehabilitation with the implementation of other available measures at the disposal of the family court.

²¹ B. KOWALSKA-EHRLICH: "Podstawy prawne funkcjonowania zakładów dla nieletnich." In: *Raport o stanie wdrażania reformy resocjalizacji w zakładach poprawczych*. Ed. L. PYTKA. Warszawa 1998, pp. 13–14.

²² Annex to the announcement of the Minister of Justice of 5 May 2014 on the uniform text of...

²³ Ibidem, point 10.

The juvenile shelter is a special institution of total care of a diagnostic and rehabilitative character, intended for people over the age of 13. The centre performs the functions of: diagnostics, prevention, and rehabilitation.²⁴ The objective of the shelter is to ensure that the delinquent is at the court's disposal (securing the proper course of judicial proceedings), to stop the process of demoralisation, to prepare the rehabilitation diagnosis and to initiate the rehabilitation process – initial rehabilitation.²⁵ Juvenile shelters may be grouped into two types, that is, ordinary and interventional. In the ordinary shelter the juvenile is placed in a situation when:²⁶

- there are circumstances in favour of placing him or her in a juvenile detention centre;
- there are justified misgivings that the juvenile might be hiding;
- there are misgivings that the evidence of the offence may be destroyed; or
- it is not possible to determine the identity of the juvenile.

Juvenile intervention shelters are meant for those minors who are accused of committing a specific criminal act, *inter alia*: murder, grievous bodily harm, causing dangerous events, catastrophes, rape, armed robbery, etc. They are also intended for minors who pose a serious threat to society, and who would pose danger if they stayed in the ordinary juvenile shelter. Educational work with juveniles placed in intervention shelters is targeted, in particular, at eliminating the causes of aggressive behaviour.²⁷

In the decision on the placement of a juvenile in a juvenile shelter, the court is obliged to determine the period of his or her stay there. According to binding regulations, the length of this period is three months; however, because of particular circumstances of the case, there is a possibility to extend the stay for a period not exceeding further three months. The total duration of the stay in the shelter, until the sentence of the first instance has been issued, cannot be longer than one year.²⁸

At present, there is a total of 32 functioning juvenile detention centres and juvenile shelters in Poland, among which 28 are for males and four for females (the latter are not profiled). There are 27 juvenile detention centres and 15 juvenile shelters, 10 of them are combined institutions, that is, a detention centre integrated with a juvenile shelter. The largest group comprises semi-open detention centres and ordinary shelters. A new type of detention centre, a re-

²⁴ Z.B. GAŚ: "Charakterystyka projektu badawczego." In: *Efektywność instytucjonalnych form pomocy na rzecz młodzieży zagrożonej wykluczeniem społecznym*. Ed. Z.B. GAŚ. Lublin 2008, p. 34.

²⁵ Annex to the announcement of the Minister of Justice of 5 May 2014 on the uniform text of..., points 83 and 84.

²⁶ Ibidem, point 28.

²⁷ Ibidem, points 29.1–29.2.

²⁸ The Act of 26 October 1982 on proceedings in juvenile cases..., Art. 27, points 3–6.

adaptation centre, established by the regulations in July 2009, does not exist in practice.

While the scope and type of educational measures introduced in Germany and Poland are very similar, the most severe sanction (excluding the catalogue of penalties that may be imposed in a situation when juveniles are tried as adults on the basis of the ordinary Criminal Code), which is the placement of the juvenile in an institution of isolation, is quite significantly different in these two countries. In Poland, there are no prisons for minors (also there are no lock-up houses of detention as a disciplinary measure). In the German penitentiary system, prisons for juveniles often function as special units in ordinary prisons for adults. In Poland, the systems of institutional measures for adults and minors are totally separate. It should be noted, however, that the organisation of work in prisons for minors in Germany (daily schedule, individualised approach to the juvenile used by caregivers, the emphasis on education, and a wide range of rehabilitation activities) resembles, to a large extent, the conditions in the Polish juvenile detention centres.²⁹ The main difference lies in the fact that the German law uses a definite sanction (the lightest penalty is six months, while the most severe is five years, with a few exceptions), whereas in Poland, an indefinite sanction is adjudicated (placement in a detention centre for a period not longer than until the perpetrator has completed 21 years of age).

²⁹ J. KUSZTAŁ: *System resocjalizacji młodzieży...*, pp. 203–211.

Appendix

Male carers in the families of origin of the subjects in terms of conviction rate, alcohol abuse, and parental attitudes (N = 60)

Item	Gender / age of the subject	Father			Cause of change of male carer / age of the juvenile when change occurred	Stepfather (cohabitee, another husband, a partner of the foster parent)		
		criminal record	alcohol abuse	attitude to the child		criminal record	alcohol abuse	attitude to the child and vice versa
1	2	3	4	5	6	7	8	9
1	M / 17	+	+	Physical and/or mental violence; neglecting	Placing in a foster family / 9	-	-	Mutual acceptance
2	M / 16	+	+	Lack of commitment	Death (in a street fight) / no data	-	-	Lack of acceptance from the stepfather and hostility of the juvenile
3	M / 17	Unknown (spent the whole life in detention centres)			-	-	-	-
4	M / 17	+ mafia soldier	No data	No data	Death / 6	No data	No data	Lack of acceptance
5	M / 18	+	+	Lack of commitment	Divorce / 6	-	-	-
6	M / 19	No data	+	Lack of commitment	Abandoning family / 12	-	-	-
7	M / 17	+	+	Physical and/or mental violence	Abandoning family / 7	+	+	Lack of acceptance from the stepfather and hostility of the juvenile
8	M / 16	-	+	Lack of commitment	Divorce / still living with the family	-	-	-
9	M / 20	+	+	Lack of commitment	Divorce / 3	+	-	Mutual acceptance
10	M / 18	+	+	Physical and/or mental violence	Fleeing abroad from the police / no data	-	-	Lack of commitment
11	M / 18	No data	No data	Inconsistent	-	-	-	-
12	M / 17	+	+	Physical and/or mental violence; neglecting	Separation / still living with the family	-	-	-

13	M / 17	No data	+	Inconsistent	Abandoning family / first months of life	-	No data	-	-
14	M / 15	+	+	Lack of commitment	Abandoning family / first months of life	-	No data	No data	Lack of commitment
15	M / 15	+	+	Physical and/or mental violence	Contacting children prohibited by court / 12	-	-	-	-
16	M / 18	No data	+	Lack of commitment	Abandoning family / no data	-	-	-	Mutual acceptance
17	M / 18	No data	+	Physical and/or mental violence	-	-	-	-	-
18	M / 16	No data	+	Lack of commitment	Abandoning family / first months of life	No data	No data	+	No data
19	M / 18	-	No data	Inconsistent	-	-	-	-	-
20	M / 18	No data	+	Physical and/or mental violence	Divorce / 13	No data	No data	No data	Lack of acceptance from the stepfather and hostility of the juvenile
21	M / 18	+	+	Physical and/or mental violence; neglecting	-	-	-	-	-
22	M / 14	No data	No data	Lack of commitment	Abandoning family / first months of life	No data	No data	+	Mutual acceptance
23	M / 15	+	+	Lack of commitment	Abandoning family / 5	No data	No data	No data	Lack of acceptance from the stepfather and hostility of the juvenile
24	M / 15	-	No data	Inconsistent	Abandoning family / 5	+	+	No data	Mutual acceptance
25	M / 16	+	No data	Physical and/or mental violence	Imprisonment / 6	No data	No data	No data	Mutual acceptance
26	M / 15	+	No data	Lack of commitment	Abandoning family / first months of life	-	-	-	-
27	F / 16	+	No data	Lack of commitment	Abandoning family / first months of life	+	+	No data	No data

1	2	3	4	5	6	7	8	9
28	F / 17	+	+	Physical and/or mental violence	-	-	-	-
29	F / 15	+	+	Physical and/or mental violence	Imprisonment / 14	-	-	-
30	F / 16	-	+	Lack of commitment	Abandoning family / 2	-	-	-
31	F / 17	No data	No data	No data	Death / 1	-	-	Lack of commitment and hostility of the juvenile
32	F / 20	No data	No data	No data	Abandoning family / first months of life	+	+	Lack of commitment
33	F / 16	-	+	Physical and/or mental violence	-	-	-	-
34	F / 19			Unknown	Adoption / 4	No data	+	Lack of commitment
35	F / 17	-	-	Lack of commitment	Divorce / 13	No data	-	Mutual acceptance
36	F / 19	No data	-	Lack of commitment	Divorce / 4	No data	+	Lack of acceptance
37	F / 17	+	+	Lack of commitment	Imprisonment / 7	-	-	-
38	F / 17	+	+	Physical and/or mental violence	Death / 9	-	-	-
39	F / 16	+	+	Physical and/or mental violence	Death / 9	-	-	-
40	F / 16	No data	+	Lack of commitment	-	-	-	-
41	F / 17	+	-	No data	Divorce / 14	+	No data	No data
42	F / 18	-	-	Lack of commitment	-	-	-	-
43	F / 17	+	No data	Lack of commitment	Abandoning family / first months of life	+	-	Mutual acceptance
44	F / 16	+	+	Lack of commitment	Abandoning family / first months of life	-	-	Mutual acceptance

45	F / 16	+	+	Physical and/or mental violence	-	-	-	-
46	F / 19	-	+	Lack of commitment	-	-	-	-
47	F / 20	+	+	Inconsistent	-	-	-	-
48	F / 19	No data	No data	Lack of commitment	Abandoning family / first months of life	No data	No data	Lack of acceptance
49	F / 16	+	+	Physical and/or mental violence	Contacting children prohibited by court / no data	-	-	-
50	F / 16	+	No data	No data	Death (in a street fight) / 5	+	No data	Mutual acceptance
51	F / 19	No data	No data	Lack of commitment	Abandoning family / no data	No data	No data	No data
52	F / 19	+	+	Lack of commitment	Divorce / 13	-	No data	No data
53	F / 21	+	+	No data	-	-	-	-
54	F / 17	+	+	Lack of commitment	Abandoning family / 14	-	-	-
55	F / 19	No data	+	Lack of commitment	Abandoning family / first months of life	-	-	-
56	F / 19	No data	No data	-	Death / first months of life	+	+	Lack of commitment
57	F / 18	-	-	Consistent	-	-	-	-
58	F / 15	-	+	Inconsistent	Divorce / 8	No data	+	No data
59	F / 17	+	+	Lack of commitment	Divorce / 8	No data	No data	Mutual acceptance
60	F / 21	+	+	Inconsistent	Abandoning family / 18	-	-	-

Source: The authors' research.

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Życie rodzinne i przestępczość

Bieżące badania i rozważania

Streszczenie

Pierwsza część pracy zawiera terminologiczne ustalenia dotyczące rodziny, małżeństwa, ról płciowych oraz opis konsekwencji współczesnych przemian w tym zakresie. Najpoważniejszą zmianą, jak się wydaje, jest kryzys demograficzny w państwach kultury północnoatlantyckiej, na skutek którego Zachód stanął przed zagrożeniem ze strony dynamicznie rozwijającej się cywilizacji islamskiej. Drugi podjęty w książce obszar tematyczny to studium problematyki rodziny przestępczej (z prezentacją badań własnych na próbie nieletnich przestępców). W trzeciej części publikacji autorzy omawiają zagadnienia związane z: umiejscowieniem badań nad przestępczością oraz jej leczeniem w systematyce nauk, przeglądem najnowszej polskiej literatury kryminologicznej, definicją nowych zjawisk w zakresie polityki karnej (*restorative justice*) oraz opisem wybranych elementów polityki karnej nieletnich realizowanych w wybranych państwach kultury północnoatlantyckiej. Wychowawcy, kuratorzy sądowi, pracownicy socjalni, terapeuci oraz przedstawiciele nauki (reprezentanci wielu dyscyplin wiedzy, takich jak: socjologia, psychologia, kryminologia, nauki o prawie oraz systemach sprawiedliwości) mogą korzystać z prezentowanych w książce idei i wniosków.

Familienleben und Kriminalität Aktuelle Forschungen und Erwägungen

Zusammenfassung

Im ersten Teil der vorliegenden Monografie werden die Familie, Ehe und Geschlechtsrollen angehenden Termini und die Folgen des heutzutage stattfindenden Wandels in dem Bereich geschildert. Die schwerwiegendste von ihnen scheint die demografische Krise in den Ländern der nordatlantischen Kultur zu sein, infolge deren der Westen von der sich dynamisch entwickelnden islamischen Zivilisation gefährdet ist. Ein anderer Themenbereich bildet die Studie über Probleme einer kriminellen Familie (mit der Präsentation von eigenen Forschungen über minderjährige Verbrecher). Im dritten Teil der Monografie werden von den Verfassern folgende Themen erörtert: Platzierung der Forschungen über Kriminalität und über deren Behandlung in der Systematik von Wissenschaften; Überblick über neueste polnische kriminologische Literatur; Definieren von neuen Erscheinungen im Bereich der Strafpolitik (*restorative justice*) und Schilderung von einigen in ausgewählten Ländern der nordatlantischen Kultur realisierten Elementen der Strafpolitik den minderjährigen Verbrechern gegenüber. Erzieher, Bewährungshelfer, Sozialbeamte, Therapeuten und Vertreter von solchen Wissenschaftszweigen, wie: Soziologie, Psychologie, Kriminologie und Rechtswissenschaften sind diejenigen, die aus den in der Monografie enthaltenen Ideen und Folgerungen Nutzen ziehen können.

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The family crisis reveals serious fissures in the very foundations of the European cultural community; likewise, criminal and moral degradation of youth points to the crisis of the family as an important source of the problem [...]. The authors make a strong case for the view that destructive peer relations become criminogenic factors only when they are combined with dysfunctional family-of-origin settings. In such circumstances, the authors argue, timely institutional decisions and their appropriate implementation, while always fraught with the risk of stigmatisation (as in the case of measures involving confinement), often prove to be rational actions undertaken to stop the psychological degradation of the juvenile. This conclusion is important in that it contrasts with the claim, today often overstated, that institutional forms of care for juvenile delinquents, without exception, bring more harm than benefits [...]. I am convinced that the book will be of interest both to Polish rehabilitation practitioners and theoreticians as well as to international readers. For the latter, it may be an interesting source of information about the present condition of Polish rehabilitation research and compelling problems that the system of juvenile delinquency prevention in Poland is now facing.

From a review by dr hab. Mariusz Sztuka,
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